United Nations S/2009/386

Security Council

Distr.: General
27 July 2009

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Letter dated 22 July 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 13 bis, paragraph 2, of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the Statute, for the remainder of the term of office concerned."

In this connection, I should like to recall that Judges Mohamed Shahabuddeen (Guyana), Iain Bonomy (United Kingdom of Great Britain and Northern Ireland) and Christine Van Den Wyngaert (Belgium) have resigned effective 10 May, 31 August and 1 September respectively.

The Government of Belgium has nominated Mr. Guy Delvoie to replace Judge Van Den Wyngaert. The Government of the United Kingdom has nominated Mr. Howard Morrison to replace Judge Bonomy. In this regard, please note that earlier this year, after indicating my intentions to the Security Council, I appointed Mr. Morrison as judge of the Special Tribunal for Lebanon. However, in the light of the difficulty of finding judges with the necessary experience to take up the appointment to the International Tribunal in the required short time frame, and given that judges of the Special Tribunal are unlikely to start their functions until the first quarter of 2010, the Government of the United Kingdom has decided to nominate Mr. Morrison for the position of judge of the International Tribunal. Mr. Morrison resigned as judge of the Special Tribunal effective 14 July 2009.

As regards the replacement of Judge Shahabuddeen, the Government of Guyana indicated that it was not in a position to nominate a candidate to replace him. It has therefore requested that we ask other States of that region for possible nominees As a result of those consultations, the Government of the Bahamas has nominated as a permanent judge Sir Burton Hall, currently an ad litem judge at the International Tribunal not yet assigned to any cases.

Please recycle

Please find attached the curricula vitae of Mr. Guy Delvoie, Mr. Howard Morrison and Sir Burton Hall (see annex).*

It is my view that the above candidates meet the qualifications prescribed in article 13 of the Statute of the International Tribunal. I also consider that their appointment would ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13 bis 1 (c) of the Statute.

In accordance with article 13 bis, paragraph 2, of the Statute of the International Tribunal, I look forward to receiving your views on the appointment of Mr. Delvoie, Mr. Morrison and Sir Burton Hall, as permanent judges of the International Tribunal.

(*Signed*) **Ban** Ki-moon

* The annex is being circulated in the languages of submission only.

Annex

Curricula vitae

Guy Delvoie

PERSONAL INFORMATION	
Name	DELVOIE
Surname, other names	Guy Lucas, Martin
Address	Kaubergstraat 14 B- 3051 Sint Joris Weert BELGIUM
Telephone	32 16 38 95 58
E-mail	guy.delvoie@skynet.be
Nationality	Belgian
Date of birth	20 august 1947
Office	Court of appeals of Brussels
Address	Palais de Justice Place poelaert, B- 1000 Brussels BELGIUM
Telephone	32 2 508 66 37
E-mail	guy.delvoie@just.fgov.be

WORK EXPERIENCE (accounted in full time jobs)	
• Dates (from – to)	April 2007 - present
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***President of the Brussels Court of appeals***
• Main activities and responsibilities	The bilingual Brussels court is Belgian's premier court of appeals. Presiding over the Brussels Court of appeals, a jurisdiction with some 70 full time professional judges handling appeals cases (criminal proceedings, civil, commercial and tax matters). Representation of the Court. Organising it's functioning. Controlling, to a certain degree the lower courts within its jurisdiction.
• Dates (from – to)	October 1993 - March 2007
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***Judge and Section President***
• Main activities and responsibilities	Presiding over a section of the Court of appeals; handling and deciding appeals cases in civil and tax matters as well as criminal proceedings

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• Dates (from – to)	JUNE 1998- DECEMBER 2003
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	Court Manager
• Main activities and responsibilities	Special office whereby one of the Section Presidents is appointed to oversee and coordinate management of the Court as a whole

	MAY 1995- OCOBER 1995
• Name and address of employer	Belgian Judiciary – Department Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	Judge
• Main activities and responsibilities	Handling and deciding appeals cases, in civil and tax matters as well as in criminal cases.
• Dates (from – to)	SEPTEMBER 1980 – MAY 1995
• Name and address of employer	Belgian Judiciary – Department of Justice + adres
• Type of business or sector	Brussels Court of first instance
• Occupation or position held	Judge
• Main activities and responsibilities	Handling and deciding cases at district court level, in civil, cases and in criminal proceedings
• Occupation or position held	Researcher
• Main activities and responsibilities	Conducting academic research and preparing academic publications

• Dates (from – to)	SEPTEMBER 1972 – SEPTEMBER 1980
• Name and address of employer	
• Type of business or sector	Brussels Bar
• Occupation or position held	Attorney,
• Main activities and responsibilities	associate to a member of the Supreme Court Bar; preparing and trying cases before Belgium's Supreme Court

WORK EXPERIENCE (accepted in appendices activities)	
• Dates (from – to) Type of activity	1999 - 2003 **Member of the academic board of the "Justice in the World Foundation", (with headquarters in Madrid, Spain)**
• Dates (from – to) Type of activity	1987 - 2000 **Member of the First Study Commission of the International Association of Judges ((International study commission within the I.A.J., The commission prepares and reviews comparative studies on matters of judicial organisation)** **Chairperson** 1995 - 2000 **Vice-chairperson** 1991 - 1995 **Belgian reporter** 1987 – 1991
• Dates (from – to) Type of activity	January 1993 - April 1995 **Member of the Flemish Council for Advertisement and Endorsements on Radio and Television**
• Dates (from – to) Type of activity	September 1991 - June 1996 **Lecturer at the Flemish School for Higher Education in Business; lecturing in the graduate program "Master in Tax Management"**
• Dates (from – to) Type of activity	1987 – 1997 **Founder and editor-in-chief of the Belgian Review for Civil Law**
• Dates (from – to) Type of activity	1987 – 1991 **Member of the Dispute Resolution Council for Non-Public Radio and Television Providers**
• Dates (from – to) Type of activity	September 1986 - June 1990 **Lecturer at the Vrije Universiteit Brussel (Free University of Brussels) for the course "Ethics of the Legal Profession"**
• Dates (from – to) Type of activity	February 1974 - 30 June 1985 **Assistant professor at the Vrije Universiteit Brussel (Free University of Brussels) for the course Family Law (Prof. Dr. G. Beeteman)**

EDUCATION AND TRAINING

• Dates (from – to)	June 1999 – May 2000 (3 weeks stay in Williamsburg in June 1999 - writing a paper on a specific court management project - stay of one week in Washington DC in May 2000)
• Name and type of organisation providing education and training	Institute for Court Management, National Centre for State Courts, Williamsburg, Virginia, U.S.
• Principal subjects/occupational skills covered	Court management
• Title of qualification awarded	Fellow of the Institute for Court Management

• Dates (from – to)	1997
• Name and type of organisation providing education and training	Department of Justice, Office of Continuous Learning for Judges
• Principal subjects/occupational skills covered	Court management
• Title of qualification awarded	Certificate of completion

• Dates (from – to)	1997
• Name and type of organisation providing education and training	Stichting Studiecentrum Rechtspleging (Foundation Study Centre on the Administration of Justice'), Zutphen, the Netherlands, 1997
• Principal subjects/occupational skills covered	Court management
• Title of qualification awarded	Certificate of completion

• Dates (from – to)	August 1973 and august 1974(first and second cycle)
• Name and type of organisation providing education and training	Faculté de droit comparé de l'Université de Strasbourg (School of Comparative Law of the University of Strasbourg, France).
• Principal subjects/occupational skills covered	Comparative Law
• Title of qualification awarded	Diploma first cycle and diploma second cycle

• Dates (from – to)	September 1968 – June 1972
• Name and type of organisation providing education and training	Vrije Universiteit Brussel (Free University of Brussels)
• Principal subjects/occupational skills covered	Law degree (3 years of legal eduction)
• Title of qualification awarded	Licencié en droit (JD equivalent), magna cum laude

LANGUAGE SKILLS

MOTHER TONGUE	DUTCH
OTHER LANGUAGES	
	FRENCH (SECOND LANGUAGE, DAYLY USED IN THE BILINGUAL BRUSSELS COURT)
• Reading skills	excellent
• Writing skills	excellent — see publications in French
• Verbal skills	excellent
	ENGLISH
• Reading skills	excellent
• Writing skills	excellent — see publication in English
• Verbal skills	excellent
	GERMAN
• Reading skills	very good
• Writing skills	good
• Verbal skills	good

JOB REQUIREMENTS	*All judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices...* *with experience in the fields of criminal law or international law, including international humanitarian law and human rights law*
SKILLS AND COMPETENCES RELATED TO THE JOB REQUIREMENTS	The applicants appointment in April 2007 to one of the highest judicial offices in Belgium (president of the Brussels Court of appeals, in the Belgian Judiciary only outranked by the position of president of the Supreme Court) gives evidence as to the first requirement above. A solid experience in criminal law has been acquired in the course of a career of almost 30 years within the Belgian Judiciary (see details below) while judging criminal cases on the first instance level as well as in the appellate court and also in the "Cour d'assises" (jury trial). Ability to formulate independent judgment in sensitive and complex matters and unquestionable impartiality and integrity is evidenced by an outstanding judicial career, including years as Section President of criminal, civil and Tax sections of the Court of appeals of Brussels, and a term as Court Manager. . Knowledge of different legal systems and international legal matters acquired trough comparative studies and trough very active involvement, in the First Study Commission of the International Association of Judges, including five years as chairperson of the Commission. Proven record of French and English language proficiency, both in a domestic environment ((French) and in an international legal environment (verifiable e.g. through graduation from a U.S. Court management program and preparation of a 70 pages-long paper on court management in English).
Page 5 - Curriculum vitae of DELVOIE Guy, Lucas, Martin	

ORGANISATIONAL SKILLS AND COMPETENCES	Successful completion of various Court management programs in Belgium, The Netherlands and the United States of America. Numerous years as section president and a five-year term as Cour Manager of the Brussels Court of appeals. The latter position involves the organisation and management of Belgium's premier (and bilingual) appellate court.
TECHNICAL SKILLS AND COMPETENCES	Excellent PC-skills, including knowledge of WORD, EXCEL and POWER POINT
ADDITIONAL INFORMATION	CONTACT PERSONS : Johan Vlogaert Head of Unit External Aid Investigations, European Anti-fraud Office (OLAF), European Commission e-mail: JOHAN.VLOGAERT@CEC.EU.INT The Honorable Louise Mailhot, Former judge at the court of appeals of Quebec, actualy strategic counsel to Fasken Martineau's Litigation and Employment Law Practice Groups Montréal Canada e-mail : lmailhot@fasken.com Klaus Decker Legal and Judicial Reform Public Sector Group – PREM Network e-mail: KDECKER@WORLDBANK.ORG. Karel De Gucht Minister of Foreign Affairs Karmelietenstraat 15 B-1000 Brussel e-mail: kab.hz@diplobel.fed.be
ANNEXES	LIST OF PUBLICATIONS

LIST OF PUBLICATIONS

Guy Delvoie

1) "Multi-eigendom: een nieuw rechtsbegrip met kwalificatieproblemen", R.W. 1973 - 1974, kol 1842.

2) "Het strafbeding in financieringshuurkontrakten, met enkele bijkomende beschouwingen over het karakter van art. 1213 B.W.: Dwingend of suppletief": Belgische rechtspraak in handelszaken, 1973, p I-523.

3) "De regresvordering van de verzekeraar-wet bij strafrechtelijke veroordeling tot afzonderlijke straffen wegens inbreuk op de wegcode enerzijds en rijden onder invloed anderzijds", R.G.A.R. 1977, nr. 9708.

5) Noot onder Cass. 11 MEI 1979, Limburgs Rechtsleven, 1979, p.172.

6) "Oudergeweld rond wieg en kinderledikant", R.W. 1979-1980, kol 2145.

7) "la famille de remplacement", Belgisch rapport voor het XIe congres van de "ACADEMIE DE DROIT INTERNATIONALE COMPARE", te Caracas, 29 augustus-5 september 1982, Brussel, Bruylant, 1982, p. 255 (G. Baeteman, G.Delvoie en S.BEX, co-auteurs).

8) "De woonplaats", artikelsgewijze commentaar van de artikelen 102 - 111 B.W. in losbladig basiswerk: Personen en familierecht, Kluwer, Antwerpen, juni 1984, bijwerking september 1988.

9. Tijdschrift voor Belgisch Burgerlijk recht/Revue de droit civil belge, tweemaandelijks tijdschrift voor rechtsleer en rechtspraak, als hoofdredacteur.

10. Noot onder Cass. 13 april 1988, T.B.B.R. 1988, p 438.

11. "Goede wijn behoeft geen krans" , noot onder Cass. 24 april 1987, T.B.B.R. 1989, p. 64.

12. " Interactie tussen therapie en gerecht bij kindermishandeling" Congrespaper voor "CHILD PROTECTION TROUGH THERAPY", 2nd European Conference on Child Abuse and Neglect, Brussel, 24 - 28 april 1989, Vlaams Tijdschrift voor Gezondheidsrecht 1989,p 279.; "Het kind", Tijdschrift Kind en gezin 90/1,

13. "De toegang tot de magistratuur in Nederland", Bulletin van de Internationale Unie van Magistraten, Maart 1990.

14. "Stichting Studiecentrum Rechtspleging", Bulletin van de Internationale Unie van Magistraten, maart 1990.

15. "Denkoefening Gerechterlijke Achterstand", Bulletin van de Internationale Unie van Magistraten, maart 1990.

16. "Een krans voor goede wijn : het navolgend hoger beroep" in Liber Amicorum prof.Em. E.Krings p.541.

17. "De nieuwe nietigheidsregeling van de artikelen 860 e.v. van het Ger. W.", commentaar op de wet van 3 augustus tot wijzigig van het Gerechtelijk Wetboek" , TBBR 1993, p. 36.

18. "Nog maar 'ns over misbruik en anti-misbruik", editoriaal in T.F.R. 1994, 179.

19. Note sous Brx. 17 mai 1994 R.G.D.C. 1994, 241

20. "Voor wie haar soms geweld aan doet", noot onder Gent 31 oktober 1994, R.W. 1994-1995, 1029

21. "De gerechtelijke achterstand gedemystifieerd", De Standaard 24 december 1994, p. 8

22. "De horizontale en verticale onafhankelijkheid van de rechter" A.J.T. 1995-96, Dossier nr. 8, 106

23. "L'arriéré judiciaire démystifié" Bulletin van de I.U.M. 1995, nr. 1, p.9.

24. " Aujourd'hui je m'habille de mes rêves" Beschouwingen over rechtbankmanagement R.W. 1995-96, 834

25. "Reflexions sur le managment des juridictions et l'indépendance du juge" Bulletin de l'U.I.M., 1995, 2, p.7

26. "De rechter-plaatsvervanger" Trema (Tijdschrift voor de (Nederlandse) Rechterlijke Macht), october 1996, p. 316

27. "Over pianokrukjes en bijzettafeltjes : what's in a name (beschouwingen over plaatsvervangende rechters in het algemeen en "plaatsvervangende raadsheren om de gerechtelijke achterstand weg te werken in het bijzonder)", R.W 1996-1997, 169

28. "Conclusions de la première commission d'etude de l'Unio nInternationale des magistrats : Le recrutement et la formation des juges" Bulletin van Belgische Afdeling van de I.U.M., nummer 2/96

29. "Magistraat-coördinator : 'court manager'?" Vlaamse Jurist Vandaag, 1997, nr 4, blz. 02.

30. "Magistratenvreten is in", De Standaard 28/03/1998.

31. " La désignation et la formation du juge ", in Traité d'organisation judiciaire comparée, Tome I, blz. 35-44 ; uitgave van «La Fondation Justice dans le Monde », 1999, Bruxelles, Bruylant en Zurich, Schulthess.

32. " De magistratenschool, voedstermoeder van de toekomstige magistratuur ? » Ghilain Londers, co-auteur ; TPR, 1999, blz.2161.

33. " Over vreugdekreten en tandengeknars rond vaststellingstermijnen ", Informatieblad van de Nederlandse Orde van Advocaten te Brussel, 1998 – 1999, 74.

34. " Conseillers suppléants et résorbtion de l'arriéré judiciaire à la cour d'appel de Bruxelles ", J.T. 1998, 387.

35. " Procesmanagement : een stap te ver ?" Noot onder J.P.Saint Gilles, 9 juin 1999, R.G.D.C. 2000, p. 99.

36. "Revaloriser les relations entre le pouvoir judiciaire et les autres pouvoirs d'état", Justice dans le Monde, publicatie van de Fundaciòn Justicia en el Mundo, 1999, n° 4, p. 33.

37 " Pour une justice autogestionnaire", J.T. 2000, p. 191

38. " Wie kaatst …", Juristenkrant 13 september 2000.

39. " Weg met het gerechtelijk verlof ?", De Standaard, 20 september 2000, p. 9.

40. "Muscles from Brussels, a muscled attempt to improve case handling in the Brussels Court of appeals" Managementthesis, mei 2000, niet gepubliceerd. Beschikbaar bij dienst Vorming van Magistraten van het Ministerie van Justitie en bij de Koning Boudewijnstichting.

41. "Over vadsige lijdzame en actieve rechters, three of a kind?"
in Hoge Raad voor de Justitie (ed.) "Gerechtelijke achterstand: geen noodzakelijk kwaad" Brussel, Bruylant 2004

42. "Rechtbankmanagement bij gerechtelijke achterstand: over vasttellingen, wachtlijsten en pleitprognoses"
in Depré, R., Plessers, J. & Hondeghem, A., (ed.) Management en beleidsvoering in de Belgische justitie: van internationale ontwikkelingen tot dagdagelijkse praktijk, Brugge, die Keure, 2004.

HHJ Howard Morrison CBE QC

Born Kent UK 1949

Pots-school VSO service Ghana 1968-9 the London University[law graduate LLB] Military service [Subaltern, Queen's Regt and subsequently Para Regt TAVR then RARO] and then development work in West and Central Africa [VSO officer responsible for Zambia and Malawi] Post-grad Bar final, Inns of Court School of Law, called to Bar by Grays Inn in 1977.

Private practice as a barrister from 1977 -1985 doing criminal, civil and family law cases when appointed as a Resident then Chief Magistrate of Fiji and, concurrently, Senior Magistrate of Tuvalu. Took Magistracy through first of two military coups intact, the second coup dismantled the constitution.

1988-89 Served as Attorney General of Anguilla getting anti drugs legislation through a very hostile Parliament and local legal community 1989- 2004 practice on the UK Midland Circuit in crime, sitting as a Assistant Recorder [1993] and Recorder [1997] in crime, family and civil cases. Appointed Queen's Counsel 2001.

In practice prosecuted cases for the Crown Prosecution Service, Customs and Excise and the Serious Fraud Office at the highest prosecutorial grade in each case and defended in the most serious rape and murder cases. Defence practice included Courts Martial in UK and Germany.

From 1997-2004 defending at the UN International Criminal Tribunals for Yugoslavia and Rwanda defending in genocide, crimes against humanity and war crimes allegations including two camp commanders [ICTY][Mucic and Nikolic] and a former Rwandan government Minister [Mugenzi][ICTR] charged with genocide. Created the procedure for dealing with cases of diminished responsibility at the ICTY in the case of Kovocavic.

Wide knowledge of international criminal and humanitarian and human rights law and a particular knowledge of the jurisprudence of the ad-hoc Tribunals for the former Yugoslavia and Rwanda, in particular command and superior responsibility and the three modes of joint criminal enterprise.

Various publications mostly in the field of International criminal law.

Member of the Race Relations and Equal Opportunities Committees of the Bar Council 1994-2003.

Master of the Bench, Grays Inn 2008

Appointed Circuit Judge December 2004. Authority to try all classes of cases. Extensive experience of teaching advocacy [Grays Inn] and international criminal, humanitarian and human rights issues at universities and conferences/seminars in the Middle East [Iraq, Dubai, Syria, Jordan and Egypt} , Australia [Distinguished Visiting Fellow, Castan Human Rights Centre, Monash University], Europe [including guest lecturer at the Scoula Superiore at the University of Cantania, Sicily] 2007 German Bar Conference, 2008 Chaired meeting of the completion strategies for the ICTY/ICTR, European University at

Florence. 2009 Co-chair expert meeting of the Amsterdam Centre of Interdisciplinary Research on International Crimes and Security and the USA for the IBA, British Council and independently. OBE [Services to Fiji] (1988), CBE [Services to international law] (2007)

Appointed visiting Senior Judge for the Sovereign Base Areas, Cyprus 2007.

Appointed Trial Judge by the UN Sec General for the Special Tribunal for the Lebanon 2009

Member of Fijian and Eastern Caribbean Bars
Member of Justice, the Commonwealth Judges and Magistrates Association and British Institute for International and Comparative Law
Fellow of the Royal Geographical Society
Member of the Advisory Board, OUP Journal of International Criminal Law.

Sir Burton Hall, Kt., KSS,
Chief Justice and Head of the Judiciary
(5 September 2001-present)
Commonwealth of the Bahamas

Birth: Nassau, The Bahamas, 10 December 1947

Education:

Sir Burton received an LL. B degree, with Honours, from the University of the West Indies in 1974 and the Legal Education Certificate of the Council of Legal Education of the West Indies in 1976.

Professional Life:

Sir Burton began his public service career in 1968 and served as a Probation Officer and Clerk in the House of Assembly before he began his legal studies.

He entered the Office of the Attorney General as an Assistant Counsel following his admission to the Bar in 1976. He progressed through the ranks of that Office (acting as a Stipendiary and Circuit Magistrate for two years) and held the post of Solicitor General when he was appointed to act as a Justice of the Supreme Court in October of 1990. As Solicitor General, he represented The Bahamas at several regional conferences dealing with drug trafficking and economic crimes.

He was confirmed as a Justice of the Supreme Court with effect form 1 February 1991 and served in that office (presiding over criminal, civil, constitutional and family matters) until he was appointed to the Court of Appeal on 1 April 1997. He demitted office as a Justice of Appeal on 4 September 2001 in order to assume his present post as Chief Justice and Head of the Judiciary.

During 1998, Mr. Justice Hall, as he referred to then, was appointed Chairman of the National Crime Commission. The Commission presented its report to the Government on 30 November of that year.

In 1999 Sir Burton was appointed to serve a three-year term as a member of the Administrative Tribunal of the Inter-American Development Bank, and, in 2002, was appointed for a further, and final, three-year term which ended in 2004.

In August of 2005, Sir Burton was elected by the General Assembly of the United Nations an *ad litem* Judge to the International Criminal Tribunal for the former Yugoslavia (ICTY).

In addition to his present duties, he is also Course Director in Constitutional Law and Legal Systems at the Eugene Dupuch Law School, Council of Legal Education.

In June of 2002, having completed the programme of the Commonwealth Judicial Education Institute at Dalhousie University School of Law, Halifax, Nova Scotia, Canada, Sir Burton became a Fellow of that Institute.

Honours and Awards:

As is customary in The Bahamas, on becoming Chief Justice, Sir Burton was made a Knight Bachelor by Her Majesty, Queen Elizabeth II (who has continued as the constitutional Head of State of The Bahamas since Independence in 1973).

In 2003, he was made a Knight of the Order of St Sylvester by His Holiness, Pope John Paul II. In 2004, Sir Burton was awarded the Pelican Alumni Peer award as outstanding alumnus of the University of the West Indies, Cave Hill Campus.

Professional Memberships:

Sir Burton is a member of: the Commonwealth Magistrates' and Lawyers' Association; the Commonwealth Lawyers Association, and the International Law Association, and holds associate membership in the American Bar Association and the Canadian Bar Association.

Family Life:

Married with three children and two grandchildren

United Nations S/2009/387

Security Council

Distr.: General
27 July 2009

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Letter dated 27 July 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 22 July 2009 (S/2009/386) concerning the composition of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 has been brought to the attention of the members of the Security Council. Having consulted those members, I support your intention to appoint Mr. Guy Delvoie, Mr. Howard Morrison and Sir Burton Hall as permanent judges of the International Tribunal.

(*Signed*) Ruhakana **Rugunda**
President of the Security Council

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Please recycle

United Nations S/2009/388

Security Council

Distr.: General
27 July 2009

Original: English

Letter dated 24 July 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to inform you that the Peace and Security Council of the African Union at its 198th meeting, on 21 July 2009, adopted a communiqué on the situation in Darfur (see annex).

I should therefore be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador and Permanent Representative
of the Libyan Arab Jamahiriya to the United Nations

09-42723 (E) 290709

Please recycle

Annex to the letter dated 24 July 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the 198th Meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 198th meeting held on 21 July 2009, reviewed the situation in Darfur and adopted the following decision:

Council,

1. *Takes note* of the report of the Chairperson of the Commission on the situation in Darfur [PSC/PR/2(CXCVIII)], as well as the statements made by the Commissioner for Peace and Security, the Joint AU/UN Special Representative for UNAMID and the Government of the Sudan;

2. *Recalls* its previous decisions and communiqués on the situation in Darfur;

3. *Notes* that the security situation on the ground has generally been calm over the past few months. Nevertheless, Council expresses concern at the occasional armed clashes that have taken place between various armed parties, including the incidents that took place in Muhajirya and around Karnoi and Um Buru, in January and May 2009 respectively, inter-tribal fighting among Arab communities, kidnapping of humanitarian workers and the prevailing insecurity in and around the IDP camps, as well as tensions along the Chad-Sudan border;

4. *Notes* the progress made in the deployment of UNAMID, particularly the military component, which has now reached 69 per cent of the authorized strength of 19,555 military personnel, and the aim of UNAMID to reach 97 per cent deployment by the end of the year. Council commends the personnel and leadership of the Mission for their dedication and contribution to the promotion of lasting peace and reconciliation in Darfur. In particular, Council pays tribute to the outgoing UNAMID Force Commander, General Martin Luther Agwai (Nigeria), and welcomes the appointment of Lieutenant General Patrick Nyamvumba from Rwanda as the new Force Commander as of 1 September 2009;

5. *Welcomes* the existing cooperation between UNAMID and the Government of the Sudan. In this respect, Council notes the regular consultative meetings of the Tripartite Coordination Committee comprising the Government of the Sudan, the AU and the United Nations, which has been an effective mechanism in addressing all matters relating to the deployment and operations of UNAMID. Council welcomes the agreed outcome of the last meeting of the Tripartite Committee, which took place at Khartoum on 12 July 2009;

6. *Notes* that, in spite of the progress made, UNAMID still faces critical gaps in the area of aviation and force enablers. In this respect, Council reiterates its call on the countries having the necessary capabilities to provide UNAMID with the

required military enablers, to enhance the capacity of the Mission, and allow it to carry out its mandate more effectively. Council reiterates its appreciation to the Government of Ethiopia for agreeing to provide five tactical helicopters, and looks forward to their early deployment to the Mission area;

7. *Expresses* concern at the lack of progress in the talks between the Government of the Sudan and the Justice and Equality Movement (JEM) and the impasse in the implementation of the Agreement of Goodwill and Confidence Building for the Settlement of the Conflict in Darfur signed between the two parties in Doha, Qatar, on 17 February 2009. Council strongly calls upon the signatories to work towards the implementation of the Agreement and to engage in substantive negotiations without preconditions. Council encourages the efforts being deployed by the AU/UN Joint Chief Mediator, Djibril Yipènè Bassolé, Libya and the Government of Qatar, as well as other regional and international partners, especially the newly appointed US Special Envoy for Darfur, Jonathan Scott Gration, to push forward the peace process, including the support provided for the process of unifying the armed movements signatories to the Tripoli Pact;

8. *Stresses* the need for speedy progress in the search for peace, security, justice and reconciliation in Darfur, bearing in mind that civilians in that region continue to be exposed to an unacceptable risk of violence, millions of people continue to live in IDP camps or as refugees in neighbouring Chad and the increasing frustration in the IDP camps, as well as the need to create inclusive and broad-based conditions conducive for the successful holding in Darfur of the April 2010 national elections, provided for by the Comprehensive Peace Agreement (CPA), and the fact that some provisions of the Darfur Peace Agreement (DPA) of 5 May 2006 will expire in 2010, with the elections and the scheduled referendum, on whether Darfur should be one region or remain as constituted presently with three regional States;

9. *Calls on* all the Sudanese parties to demonstrate the necessary political will and engage in dialogue without preconditions. In this respect, Council notes the expressed readiness of the Government of the Sudan to engage in negotiations with the armed movements. Council strongly condemns the military operations in Muhajirya and around Karnoi and Um Buru, as well as all other acts of violence, and urges the Government of the Sudan and the armed movements, in particular the JEM, to refrain from any military action;

10. *Expresses* its conviction that the achievement of lasting peace and reconciliation in Darfur requires that the Sudanese stakeholders take full ownership of the process, with the international community playing a supportive role. In this respect, Council welcomes the increasing engagement of all the Sudanese stakeholders in search for a solution to the crisis in Darfur, as demonstrated by the Sudan's People Forum (SPF) of October 2008, and encourages them to build on the recommendations made by the SPF in their quest for peace and reconciliation in Darfur.

11. *Stresses* the need for the ongoing efforts to re-energize the political process between the conflicting parties and accelerate the deployment of UNAMID to be complemented by renewed initiatives for peacemaking at local level. In this respect, Council reiterates its support for the efforts being made by local authorities, tribal chiefs and, in selected places, UNAMID, including through Quick Impact Projects, which have succeeded in reducing violence, principally through a

succession of inter-tribal peace agreements. Council underlines the importance of the Darfur-Darfur Dialogue and Consultation (DDDC), as a means of ensuring the involvement of all the Darfurian stakeholders in the search for peace and reconciliation, and calls for increased financial support to the DDDC process;

12. *Expresses* its profound appreciation to the AU High-Level Panel on Darfur (AUPD) and to its Chairperson, former President Thabo Mbeki, for the extensive consultations it has undertaken with the Sudanese and international stakeholders, including the public hearings organized, in Khartoum and Darfur, with a wide range of stakeholders (Darfurian military commanders, political parties, civil society organizations and tribal leaders). Council eagerly anticipates the recommendations to be submitted by the Panel and is confident that they will provide a clear road map on how best to achieve peace, justice, reconciliation and healing in Darfur, thereby contributing to the overall objective of sustaining peace and stability in the Sudan as a whole;

13. *Reaffirms* the commitment of the AU to combat impunity, in line with the relevant provisions of the AU Constitutive Act, and strongly condemns the violations of human rights and international humanitarian law, including attacks against humanitarian workers and all other acts of violence against civilians. In that regard, Council once again, requests that concrete steps be taken to investigate the abuses committed in Darfur and bring their perpetrators to justice;

14. *Urges*, once again the United Nations Security Council to heed the AU's call for the deferral of the process initiated by the International Criminal Court (ICC) against President Omar Hassan Al Bashir in the interest of peace, justice and reconciliation. In the meantime, Council reiterates earlier AU decisions on the ICC process, in particular the non-cooperation of AU member States with the arrest and surrender of President Al Bashir. In this respect, Council requests all AU member States to respect decision Assembly/AU/Dec.245 (XIII) adopted by the Assembly of the Union at its 13th ordinary session held in Sirte, Libya, from 1 to 3 July 2009;

15. *Underscores*, once again, the importance of the normalization of the relations between Chad and Sudan, as part of the efforts to promote regional stability and facilitate the resolution of the conflict in Darfur. In this regard, and in light of the decision adopted by the 13th ordinary session of the Assembly of the Union on the report of the Peace and Security Council on its activities and the state of peace and security in Africa [Assembly/AU/Dec.252(XIII)], stresses the need for renewed efforts in promoting relations of good neighbourliness and trust between the two countries, calls for the scrupulous implementation of the Agreements they have concluded, and urges the co-chairs of the Contact Group established by the Dakar Agreement of 13 March 2008 to resume its work;

16. *Stresses* the importance of continued and improved delivery of humanitarian assistance in Darfur and expresses its satisfaction with the establishment of a Joint High Level Committee on Humanitarian Affairs comprising the Government of the Sudan and some major United Nations humanitarian agencies, which has the mandate of tackling the humanitarian situation;

17. *Decides* to extend, for a further period of 12 months, the mandate of UNAMID as defined by United Nations Security Council resolution 1769 (2007) of 31 July 2007, and requests the Security Council to do the same;

18. *Stresses* the importance of the full respect for the hybrid nature and African character of UNAMID, in line with the relevant decisions and resolutions of the Peace and Security Council and the United Nations Security Council, for the successful implementation of its mandate. In this respect, Council requests the Commission to conduct an assessment of the Mission, with the view of making recommendations on how to strengthen the partnership between the AU and the United Nations and draw lessons for future operations;

19. *Decides* to remain seized of this matter.

United Nations S/2009/389

Security Council

Distr.: General
28 July 2009

Original: English

Letter dated 27 July 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The work programme for the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) covering the period from 1 July to 31 December 2009 is annexed hereto (see annex).

The activities of the Committee will proceed pursuant to the provisions of Security Council resolutions 1373 (2001), 1535 (2004), 1566 (2004), 1624 (2005) and 1805 (2008).

The Committee will continue to work with Member States on the implementation of resolution 1373 (2001), guided by the principles of cooperation, transparency, even-handedness and consistency in approach. The Committee will remain focused on monitoring and promoting the implementation by Member States of resolution 1373 (2001) and on taking practical measures to enhance the counter-terrorism capacity of States, including measures aimed at facilitating technical assistance. Furthermore, the Committee will maintain dialogue with States on the implementation of Security Council resolution 1624 (2005), and it will continue to discuss its contribution to the implementation of the United Nations Global Counter-Terrorism Strategy.

The Counter-Terrorism Committee welcomes the support it has received from Member States, the United Nations Secretariat and international, regional and subregional organizations and appreciates the assistance of the Counter-Terrorism Committee Executive Directorate.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Work programme of the Counter-Terrorism Committee for the period 1 July to 31 December 2009

I. Introduction

1. The Counter-Terrorism Committee is required to monitor and promote implementation by Member States of Security Council resolution 1373 (2001), in accordance with the provisions of the resolution. The Committee is further directed to include in its dialogue with Member States their efforts to implement Security Council resolution 1624 (2005).

2. In December 2006, in accordance with its decision of 21 December 2005 (S/PRST/2005/64), the Security Council conducted a comprehensive review of the Counter-Terrorism Committee Executive Directorate and endorsed the review report of the Counter-Terrorism Committee (S/2006/989). Together with the statement by the President of the Security Council of 20 December 2006 (S/PRST/2006/56), the review report constitutes guidance for the future work of the Committee and the Executive Directorate, notably providing the following:

(a) The guiding principles of the Committee's work shall be cooperation, transparency and even-handedness, as well as consistency in approach;

(b) The Committee shall continue to strengthen its relations with international, regional and subregional organizations in assisting States in their implementation of resolution 1373 (2001);

(c) The Committee shall work on identifying and promoting best practices in all key areas of resolution 1373 (2001);

(d) The Committee shall ensure that any measures taken by Member States to combat terrorism comply with all their obligations under international law, in particular international human rights law, refugee law and humanitarian law;

(e) The Committee shall attach great importance to coordination with experts from other counter-terrorism-related subsidiary bodies of the Security Council in preparing visits and in streamlining reporting;

(f) In the fulfilment of its mandate, the Committee shall be assisted by the Counter-Terrorism Committee Executive Directorate, under the policy guidance of the plenary. In this regard, the Executive Directorate will implement the policy guidance of the Committee through its eleventh work programme (see appendix).

3. On 20 March 2008 the Security Council adopted resolution 1805 (2008), which constitutes further guidance for the work of the Committee and the Executive Directorate. In the resolution, the Security Council:

(a) Underlined that the overarching goal of the Committee is to ensure the full implementation of resolution 1373 (2001);

(b) Affirmed the endorsement by the Committee of the recommendations contained in the revised "Organizational plan for the Counter-Terrorism Committee Executive Directorate (S/2008/80)";

(c) Decided that the Executive Directorate would continue to operate as a special political mission under the policy guidance of the Committee for the period ending 31 December 2010 and further decided to conduct an interim review by 30 June 2009, and a comprehensive consideration of the work of the Executive Directorate prior to the expiration of its mandate;

(d) Directed the Committee to submit an annual report on the implementation of resolution 1373 (2001), with its observations and recommendations;

(e) Requested the Committee to report orally, through its Chairman, at least every 180 days to the Council on the overall work of the Committee and the Executive Directorate;

(f) Welcomed and emphasized the importance of the readiness of the Executive Directorate to participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy, including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system.

4. In June 2009, pursuant to resolution 1805 (2008), the Security Council conducted an interim review of the work of the Counter-Terrorism Committee Executive Directorate and published a report of the Committee with recommendations (S/2009/289), which constitutes further guidance for the work of the Committee and the Executive Directorate.

II. Work programme

5. The Committee will focus its work on the following priority objectives:

A. Monitoring and promoting the implementation of resolution 1373 (2001)

6. The Committee and its Executive Directorate will collaborate actively with Member States to facilitate implementation of resolution 1373 (2001).

7. The Committee, on the basis of initial assessments by its subcommittees, will continue to consider the outstanding preliminary implementation assessments and to approve, where appropriate, recommendations prepared by the Executive Directorate. It will then send the preliminary implementation assessments and the recommendations to the Member States concerned, for the appropriate action, in accordance with the procedures for the updated working methods of the Committee.

8. The Committee, also on the basis of initial assessments by its subcommittees, will continue conducting the stocktaking exercise of progress made by Member States in the implementation of resolution 1373 (2001), on the basis of updated preliminary implementation assessments. The Committee will take stock of this progress on the basis of an existing tool, developed by the Executive Directorate, to track the sequence in which it will review the status of Member States' implementation.

9. On the basis of the survey of implementation of Security Council resolution 1373 (2001) by Member States (S/2008/379), which was adopted by the Committee and discussed by the Security Council, the Committee will initiate discussions on

detected gaps and thematic issues, as well as elaborate possible additional practical proposals, in order to facilitate the implementation of the priority recommendations for the Committee's future action.

10. The Committee will consider, on the basis of a submission by the Executive Directorate before the end of November 2009, an updated survey of implementation of Security Council resolution 1373 (2001) by Member States.

11. The Committee will consider a revised version of the technical guide on the implementation of Security Council resolution 1373 (2001), prepared by the Executive Directorate on the basis of the work of the technical groups.

12. In close cooperation with the Committee established pursuant to resolutions 1267 (1999) and 1540 (2004) and in accordance with its mandate, the Committee will pay special attention to States for which information on implementation of resolution 1373 (2001) is lacking and discuss how best to address the issue.

13. The Committee will continue to follow the status of preparation of visits to be undertaken in the period from July 2009 to December 2010.

14. The Committee will take steps to ensure that visits conducted to States with their consent have the effect of enhancing their implementation of resolution 1373 (2001), assess the results of such visits, and consider the appropriate follow-up action.

15. The Committee will consider, on the basis of concrete recommendations by the Executive Directorate, the modalities and format for a sixth special meeting of the Committee.

16. The Committee will consider the implementation of recommendations contained in the interim review of the work of the Executive Directorate.

17. In order to enhance transparency, the Chairman of the Committee will hold periodic informal briefings for Member States, as appropriate, on the work of the Committee.

18. The Committee continues to call for the closest cooperation between the expert groups of the three Security Council committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), including, as appropriate, on information-sharing and visits, and looks forward to receiving information from the Executive Directorate on the implementation of common strategies.

B. Facilitating technical assistance to States

19. The Committee will continue to pay close attention to facilitating technical assistance. In this context, the Committee will continue to look for opportunities to match current and potential donors/providers with recipients in order to enhance the dialogue between the donor community and recipient countries and to further the implementation of resolution 1373 (2001).

20. The Committee, including through the Executive Directorate, will intensify cooperation with relevant international, regional and subregional organizations with a view to enhancing Member States' capacity to fully implement resolution 1373 (2001) and to facilitate the provision of technical assistance.

C. Maintaining dialogue with States on the implementation of Security Council resolution 1624 (2005)

21. The Committee will continue to encourage States that have not yet submitted a report on their implementation of resolution 1624 (2005) to do so.

22. On the basis of the reports received from States and the information gathered during its on-site visits, the Committee will initiate a discussion to explore the needs of States for technical assistance in implementing resolution 1624 (2005) and facilitate the provision of such assistance, as appropriate.

D. Implementing the United Nations Global Counter-Terrorism Strategy

23. The Committee, also on the basis of regular inputs from the Counter-Terrorism Committee Executive Directorate on its participation in the activities of the Counter-Terrorism Implementation Task Force, will continue to contribute to the implementation of the United Nations Global Counter-Terrorism Strategy.

24. The Committee will continue its discussions on issues related to the implementation of the Global Strategy.

III. Other

25. The Committee, in close consultation with the Counter-Terrorism Committee Executive Directorate and the Secretariat, will look into possibilities of streamlining its working methods.

26. By the end of December 2009, the Committee will formulate and agree on an updated work programme for the period from 1 January to 30 June 2010.

Appendix

Work programme of the Counter-Terrorism Committee Executive Directorate for the period from 1 July to 31 December 2009

I. Introduction

1. The work programme of the Counter-Terrorism Committee Executive Directorate for the period from 1 July to 30 December 2009 has been prepared in accordance with the relevant provisions of the report of the Counter-Terrorism Committee on its revitalization (S/2004/124) and takes into account the work programme of the Committee for the same period. It also takes into account the Security Council's interim review of the work of the Counter-Terrorism Committee Executive Directorate and the report of the Committee to the Council (S/2009/289).

2. The Executive Directorate will continue to help the Committee to achieve its objectives in the areas defined in the Committee's work programme; to report regularly to the Committee on its work, including in its semi-annual report; and to respond to any additional requests made during the reporting period.

II. Monitoring and promoting implementation of Security Council resolution 1373 (2001)

3. The Executive Directorate will submit to the subcommittees the outstanding files of Member States, including cover notes, draft letters and preliminary implementation assessments, for consideration and further submission to the Committee as part of its ongoing stocktaking process. The Executive Directorate will also continue to hold meetings with Member States in order to discuss issues relating to the preliminary implementation assessments, the implementation of Security Council resolution 1373 (2001) and technical assistance.

4. In close cooperation with the relevant international, regional and subregional organizations and on behalf of the Committee, the Executive Directorate will prepare and conduct visits to at least seven Member States, with their consent, as approved by the Committee. It will also continue to update the Committee on a regular basis regarding follow-up to its previous visits to Member States.

5. In accordance with Security Council resolution 1805 (2008), the Executive Directorate will submit an updated Global Implementation Survey, for the consideration of the Committee, before the end of November 2009.

6. The Executive Directorate will further enhance its cooperation with the relevant United Nations bodies, including the Monitoring Team of the Committee established pursuant to resolution 1267 (1999) and the Expert Group of the Committee established pursuant to resolution 1540 (2004), as well as with various international, regional and subregional organizations, including in the context of the Committee's visits to Member States. In this context, the Executive Directorate will further extend promotion of the common strategy on the submission of responses by States, jointly developed with the Monitoring Team and the Expert Group. A workshop will be held in July 2009 for Member States of the Caribbean Community on the drafting of responses to the three Security Council committees dealing with counter-terrorism.

7. The Executive Directorate will hold two workshops in South Asia during the reporting period. First, acting jointly with the World Bank, it will hold a workshop for parliamentarians in Pakistan on the importance of legislation on combating the financing of terrorism. Second, acting together with donors and other relevant partner organizations, it will facilitate a regional workshop for police and prosecutors on cross-border cooperation, to be held in Bangladesh.

8. Under the guidance of the Committee, the Executive Directorate will participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy, including through active involvement in the Integrated Assistance for Countering Terrorism Initiative of the Counter-Terrorism Implementation Task Force.

9. The Executive Directorate will assist the Committee in its consideration of the modalities and format of the sixth special meeting of the Committee, and will make concrete recommendations to the Committee in this regard.

III. Facilitating the delivery of technical assistance to States

10. The Executive Directorate will continue to promote its revised strategy for facilitating the delivery of technical assistance to States by strengthening its relations with bilateral and multilateral donors through, inter alia, close engagement with the Counter-Terrorism Action Group of the Group of Eight and the European Union.

11. The Executive Directorate will maintain and regularly update its database of information on all its referrals, its directory of detailed profiles of donors and providers of technical assistance, and its database of best practices.

IV. Human rights and implementation of Security Council resolutions 1373 (2001) and 1624 (2005)

12. In accordance with the Committee's policy guidance on human rights, the Executive Directorate will continue to take account of the human rights aspects of Security Council resolutions 1373 (2001) and 1624 (2005) in its work. This work will include contributing relevant information for inclusion in the preliminary implementation assessments, providing briefings for the Committee's country visits, assisting in the drafting of reports, and promoting a consistent approach to human rights issues in all activities of the Executive Directorate. The Executive Directorate will continue to liaise with the Office of the United Nations High Commissioner for Human Rights and other human rights entities, as appropriate. It will also deepen its analytical framework, including through participation in the working group on protecting human rights while countering terrorism of the Counter-Terrorism Implementation Task Force.

13. The Executive Directorate will continue to include the issue of implementation of resolution 1624 (2005) in its dialogue with States and will actively encourage those States that have not yet submitted a report on their implementation of the resolution to do so. The Executive Directorate will assist the Committee in initiating a discussion to explore the needs of States for technical assistance in implementing resolution 1624 (2005) and facilitate the provision of such assistance, as appropriate.

V. Information and Administration Office

14. The Executive Directorate will work to ensure that all documentation and reporting submitted to the Committee is accurate, consistent, and in conformity with the Committee's decisions. The Executive Directorate will assist the Committee in the consideration of possible ways to streamline its working methods. The Directorate will also continue to implement a more proactive communications strategy, through its Public Communications and Outreach Unit, in order to facilitate better understanding of the work of the Committee and the Executive Directorate.

15. The Executive Director will continue to chair regular (weekly) meetings of all staff of the Office in order to encourage greater communication within the Directorate and ensure that all staff members are fully informed of the priorities and activities of the Committee and the Executive Directorate.

16. The Information and Administration Office will continue to augment and update the Committee's website with new information and seek to increase the number of hyperlinks to websites of other United Nations bodies and international or regional organizations engaged in the global fight against terrorism. The Office will also continue to maintain the Committee's website in all six official languages of the United Nations.

17. The Information and Administration Office will continue to organize and co-sponsor workshops, as funding permits, during the coming period. It will seek co-sponsorship, with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and/or other key partner international organizations, with respect to workshops or conferences that relate to the Executive Directorate's mandate to help Member States implement resolution 1373 (2001). The Office will also consider helping international, regional or subregional organizations that wish to host workshops on the implementation of the resolution and would otherwise be unable to do so.

18. The Executive Directorate will aim to fill all vacancies in the Professional and General Service categories, focusing on promoting gender and geographical balance in the selection of new Professional staff, especially at the level of Director. The Executive Directorate will also seek the approval of the General Assembly to add one Legal Officer position at the P-4 level and one Associate Political Officer position at the P-2 level. Within the framework of the Political, Peace and Security Occupational Network, the Executive Directorate will implement its decision to participate in the new Voluntary Initiative for Network Exchange and effect the exchange, for a period of one or two years, of one Legal Officer in the Executive Directorate for one expert from the Office of Disarmament Affairs. The Office will also work closely with the Office of Human Resources Management to implement the new Talent Management System that came into effect on 1 July 2009 and monitor its impact on recruitment and retention of all staff of the Executive Directorate.

19. The Information and Administration Office will submit a budget for 2010 seeking the financial resources needed to carry out the enhanced tasks of the Executive Directorate, including funding for the appropriate number of staff. The draft budget will also reflect the decisions of the Committee and the Security Council concerning the work to be undertaken in 2010.

United Nations S/2009/390

Security Council

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28 July 2009

Original: English/French

France: draft resolution

The Security Council,

Recalling its previous resolutions, in particular resolutions 1528 (2004), 1721 (2006), 1739 (2007), 1765 (2007), 1795 (2008), 1826 (2008), 1842 (2008) and 1865 (2009), and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1836 (2008) on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou Political Agreement", S/2007/144), and that it welcomed the four subsequent Supplementary Agreements,

Recalling in particular that in its resolution 1721 (2006) it notably endorsed the decision of the African Union Peace and Security Council on the mandate of the Head of State, and *recalling further* that in the statement of its President dated 28 March 2007 (S/PRST/2007/8) it endorsed the Ouagadougou Political Agreement, including its Chapter V on the institutional executive framework, and that this Agreement provided for a period of ten months for the holding of the presidential elections,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up mechanisms, *commending and encouraging* the continued efforts of the African Union and the Economic Community of West African States ("ECOWAS") to promote peace and stability in Côte d'Ivoire, and *reiterating* its full support for them,

Stressing again the importance of the international consultative organ participating in the meetings of the evaluation and monitoring committee, as an observer,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

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Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and *expressing its intention* to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

Having taken note of the report of the Secretary-General dated 7 July 2009 (S/2009/344),

Recalling its resolution 1674 (2006) on the protection of civilians in armed conflicts, *noting with concern*, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, and *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Recalling its resolution 1612 (2005) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of Côte d'Ivoire (S/AC.51/2008/5), and *expressing* its deep concern that children continue to suffer from various forms of violence,

Recalling also its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, *condemning* any sexual violence, stressing again the importance of women's equal participation and full involvement in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and *encouraging* the Secretary-General to mainstream a gender perspective in the implementation of the mandate of the United Nations Operation in Côte d'Ivoire ("UNOCI"),

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

("*Supporting the Ouagadougou political process*")

1. *Recalls* that in the statement of its President dated 29 May 2009 (S/PRST/2009/16) it welcomed the new electoral timeline endorsed in Ouagadougou by all the main Ivorian political actors and leading to the first round of the presidential elections on 29 November 2009, and *underlines* that the Ivorian political actors are bound to respect this timeline to demonstrate their political commitment towards the holding of free, fair, open and transparent elections;

2. *Reiterates* its determination to bring its full support to a credible electoral process for the presidential and legislative elections in Côte d'Ivoire and *expresses its conviction* that any postponement of the presidential elections of 29 November 2009 would be inconsistent with a credible process and with the Ouagadougou Political Agreement as endorsed by the Security Council;

3. *Welcomes* the successful completion of registration of voters;

4. *Recalls* that it had requested in its resolution 1865 (2009) the President of the Independent Electoral Commission to share publicly the details of the timeframe, and *takes note* of the dates he provided for the five stages leading to the elections of 29 November 2009;

5. *Reiterates* that the publication of the electoral list is a crucial step in the electoral process, *looks forward* to the publication of the provisional voters list before the end of August 2009 and *urges* the Ivorian actors to meet their commitments in full and without delay;

6. *Expresses* its determination to follow closely the publication of the provisional and of the final electoral lists, *encourages* the Facilitator and the Special Representative of the Secretary-General to inform it without delay of any difficulty that may put at risk the electoral time frame, *expresses its intention* to examine any such situation without delay and *requests* the Special Representative of the Secretary-General to certify the voters list explicitly;

7. *Reiterates* that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards and *reaffirms* its full support to the Special Representative of the Secretary-General in his certification role;

8. *Stresses* that it will base its assessment of the electoral process on the certification that will be prepared by the Special Representative consistent with the five-criteria framework referred to in document S/2008/250 and after inclusive contacts with all stakeholders in Côte d'Ivoire, including the civil society;

9. *Stresses the importance* of an inclusive participation of the Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect for human rights of every Ivorian as they relate to the electoral system, and in particular respect for freedom of opinion and expression, and removing obstacles and challenges to women's participation and full involvement in public life;

10. *Urges* the Government of Côte d'Ivoire to provide the operators involved in the electoral process with the necessary support and *encourages* the international community to continue their support to the electoral process, including by providing, with the agreement of the Ivorian authorities, electoral observation capacity and related technical assistance;

11. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution 1842 (2008), including among other things against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and *recalls* further that, pursuant to paragraph 6 of the above mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.33 and 2.11 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution 1572 (2004);

12. *Urges* again the political parties to comply fully with the Code of Good Conduct for elections which they signed under the auspices of the Secretary-General, and in particular *urges* the Ivorian authorities to allow equitable access to public media;

13. *Takes note* again of the ceremony of transfer of authority held in Bouake on 26 of May 2009 as a positive development, *urges* the Ivorian parties to make further progress to advance the reunification and disarmament processes, and

encourages the international donors to continue to provide their support to them, as appropriate;

14. *Calls upon* all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children and that all reported abuses are investigated and those responsible brought to justice;

15. *Calls also upon* all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence;

16. *Recalls* the recommendation by its Working Group on children in armed conflict in Côte d'Ivoire (S/AC.51/2008/5) that a National Action Plan to address sexual violence be adopted, *welcomes* steps taken so far and urges the Government of Côte d'Ivoire, with the support of UNOCI and other relevant actors to finalize and implement it, *welcomes also* the Programme of Action to Combat Sexual Violence in the areas within its control signed by the Forces Nouvelles in January 2009 pursuant to the above-mentioned recommendations as well as the communiqué issued by four militia groups indicating their willingness to combat sexual violence, and *calls upon* all relevant parties, with the continued support of UNOCI to work together to implement their commitments;

17. *Urges* the signatories of the Ouagadougou Political Agreement to take the necessary steps to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, including by addressing land tenure issues, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Ouagadougou Political Agreement and their obligations under international law;

18. *Welcomes* the progress made in the identification process, which is key to the long-term stability of Côte d'Ivoire, and *calls upon* the Ivorian parties to continue the identification operations, including after the elections;

("*Renewing the mandate the United Nations Operation in Côte d'Ivoire*")

19. *Decides* to renew the mandate of UNOCI, as determined in resolution 1739 (2007), until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral time frame referred to in paragraph 1 above;

20. *Requests* UNOCI, within its existing resources and mandate, to support actively the parties in the implementation of the remaining tasks under the Ouagadougou Political Agreement and its Supplementary Agreements, in particular those that are essential to the holding of a free, fair, open and transparent presidential election of 29 November 2009, and to continue to support the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections in a secure environment;

21. *Requests* the Secretary-General to continue to monitor progress on the achievement of the benchmarks referred to in annex I of his report dated 7 July 2009, *encourages* him to continue to refine and update them and to report to the Security Council, and *expresses its intention* to review these benchmarks in full before 15 October 2009, taking into account in particular the progress of the electoral process;

22. *Reiterates* its full support to the efforts of the Special Representative of the Secretary-General in Côte d'Ivoire, and *requests* UNOCI to continue to actively sensitize the Ivorian population to his certification role;

23. *Commends* the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and *requests* UNOCI to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third Supplementary Agreement;

24. *Reaffirms* its intention, as expressed in resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and UNOCI on a temporary basis and in accordance with the provisions of resolution 1609 (2005), as recommended by the Secretary-General in paragraph 25 of his report dated 7 July 2009 (S/2009/344) and *calls on* troop contributing countries to support the efforts of the Secretary-General in that regard;

25. *Underscores* the importance of updating the military concept of operations and rules of engagement before 30 September 2009 and *requests* the Secretary-General to report thereon to the Security Council and troop contributing countries;

26. *Requests* UNOCI to continue to contribute, pursuant to paragraph 2 (k) of its resolution 1739 (2007), to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, to monitor and help investigate human rights violations with a view to ending impunity, and to continue to support the efforts all parties should take pursuant to paragraphs 15 and 16 above, and *further requests* the Secretary-General to continue to include in his reports to the Security Council relevant information on progress in this area;

27. *Requests* UNOCI, in this context, to also continue to contribute, pursuant to paragraph 2 (m) of its resolution 1739 (2007), to assist the Government of Côte d'Ivoire in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government of Côte d'Ivoire on the restructuring of the internal security services and in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire;

28. *Stresses* the need for UNOCI and humanitarian agencies to continue to work closely together, in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner;

29. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-

tolerance policy on sexual exploitation and abuses and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

30. *Decides* to extend until 31 January 2010 the authorization it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities;

31. *Expresses* its intention to review the situation as well as, as appropriate, the mandate of UNOCI, subject to the progress of the electoral process and in particular to the establishment of the voters list, and in any case no later than 15 October 2009, *requests* the Secretary-General to inform it in early September of the publication of the provisional electoral list and *further requests* the Secretary-General to provide to it a mid-term report, by the end of September 2009, of the situation on the ground, including a specific update on the security situation, and of the preparation of the electoral process;

32. *Further requests* the Secretary-General to inform the Security Council in his upcoming reports on the development of his strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 21 above;

33. *Expresses* its intention to review by 31 January 2010 the mandate of UNOCI and the authorization provided to the French forces which support it, the level of troops of UNOCI and the benchmarks referred to in paragraph 21 above, in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and *requests* the Secretary-General to provide to it a report to this end three weeks before this date;

34. *Decides* to remain actively seized of the matter.

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Report of the Secretary-General on elections in the Sudan

I. Introduction

1. In accordance with the Comprehensive Peace Agreement and the Interim National Constitution, general elections at all levels of Government in the Sudan were to be completed by the end of the fourth year of the interim period, that is, by July 2009. On 2 April 2009, the National Elections Commission of the Sudan announced that the national executive and legislative elections envisaged in the Agreement would be held in February 2010. On 1 July 2009, the Commission released a modified timetable according to which the elections are scheduled for April 2010.

2. The present report has been prepared pursuant to Security Council resolution 1870 (2009), in which the Council requested me to provide an assessment and recommendations on measures the United Nations Mission in the Sudan (UNMIS) might take to further support elections and advance the peace process, and to Council resolution 1769 (2007), by which the Council mandated the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to ensure the complementary implementation of all peace agreements in the Sudan, particularly with regard to the national provisions of those agreements, and compliance with the Interim National Constitution.

3. In a letter addressed to my Special Representative for the Sudan, dated 16 August 2008, the Government of Southern Sudan requested support from the United Nations in the following areas: electoral administration and planning; review of the coordination of donor assistance; voter and civic education; ways to increase women's participation; and the preparation of a reliable voters' list for the elections. On 19 February 2009, the Chairman of the National Elections Commission forwarded a request to my Special Representative for support with electoral material; logistics and operational planning; electoral awareness; training of electoral staff, capacity-building and advisory support; and coordination of international assistance to the electoral process. On 12 July, my Special Representative received a further letter from the Commission requesting UNMIS technical support to the State High Committees in northern Sudan.

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II. United Nations needs assessment mission

4. Against this background, and further to the explicit request of the Chairman of the National Elections Commission, the United Nations dispatched a multidisciplinary mission to the Sudan from 28 April to 8 May 2009 to assess (a) the conditions for the conduct of electoral activities; (b) the activities and plans of international donors in providing technical and financial assistance to avoid duplication and ensure a coordinated approach among international donors; and (c) the extent to which United Nations assistance might contribute to the credibility and legitimacy of the electoral process.

5. The mission consisted of representatives of the Departments of Peacekeeping Operations, Political Affairs (including the Electoral Assistance Division) and Safety and Security, as well as the United Nations Development Programme (UNDP). While in the Sudan, the Headquarters team worked closely with colleagues in UNMIS and UNAMID. In Khartoum, Juba and El Fasher, the mission met a variety of actors, including government officials, political parties, civil society representatives, donors, the diplomatic corps and the United Nations country team.

National Elections Act

6. In accordance with the National Elections Act adopted by the National Assembly on 7 July 2008 and signed into law on 14 July 2008, an independent National Elections Commission was established on 25 November 2008, with its headquarters in Khartoum. The Commission is mandated to organize and conduct free and fair elections of the President of the Republic, the President of the Government of Southern Sudan, Governors and Legislative Assemblies at the national, Southern Sudan and State levels. The Commission is to, inter alia, establish the timeline of the electoral process; conduct the registration of voters; establish procedures for elections campaigns; determine geographic constituencies; ensure the correctness of voting procedures, and adopt its operating budget and that for the elections.

7. In accordance with the National Elections Act, on 18 June 2009 the National Elections Commission established the Southern Sudan High Committee and one high committee in each of the 25 States. The High Committees are responsible to the Commission for administering and supervising the elections at the Southern Sudan and State levels. While the particular role and responsibility of the Southern Sudan High Committee vis-à-vis the National Elections Commission and the State committees in Southern Sudan was not further clarified under the Act, the Commission has since delegated to the Southern Sudan High Committee primary responsibility for supervision of the election of the President of the Government of Southern Sudan and of the Southern Sudan Legislative Assembly, in coordination with it and the State high committees in the south.

8. The Elections Act provides for a mixed electoral system under which the President of the Republic and the President of the Government of Southern Sudan shall be elected by an absolute majority of 50 per cent of the valid votes plus one. If no candidate receives such a majority, a run-off election between the two candidates with the highest number of votes is to be held within 60 days of the polling day. Governors are to be elected by the highest number of votes. A mixed system will be used for the election of members of national, Southern Sudan and State assemblies,

wherein 60 per cent of the seats are for single-member constituencies; 25 per cent of the seats will be reserved for women chosen from State-level party lists (proportional representation); and the remaining 15 per cent of the seats are to be filled from general party lists (proportional representation). Voters in the north will therefore cast eight ballots, while voters in the south will cast 12 ballots.

Political Parties Act

9. Under the Political Parties Act, adopted by the National Assembly in January 2007 and signed into law by the President of the Republic on 6 February 2007, an independent Political Parties Affairs Council was established on 25 November 2008. The Council is responsible for the registration of political parties throughout the Sudan; receiving and investigating complaints in this regard; and requesting political parties to abide by their obligations as provided under the Act. These obligations include the requirement to have a statute and rules describing their manifesto, an emblem/logo distinguishing them from other parties, a transparent and public source of funding, and agreement to abide by democratic and consultative principles. Parties are further required to adhere to the Constitution and the rules and regulations of the Council, and their manifesto may not conflict with the Comprehensive Peace Agreement or the Interim National Constitution.

10. Under the Act, 32 previously registered parties were considered to be registered with the new Council and unregistered political parties were given a 90-day deadline in which to register with the Council. From 5 February to 5 May 2009, the Council registered 36 of those unregistered parties, which received certificates of registration in a ceremony on 1 June. Registration of new political parties is ongoing. To date, three additional new parties have been registered, bringing the total number of registered parties to 71. Applications for another seven are under consideration.

11. The Political Parties Affairs Council is preparing, with the support of UNMIS, public information material on its activities, the Political Parties Act, and the registration process. The Council has requested further support from UNMIS in conflict management training and development of a code of ethics for political parties. The Council has announced its intention to establish a democracy centre, which would help to build the capacity of political parties, conduct research and training, and house a library of relevant material.

Status of the operations of the National Elections Commission

12. On 18 June, members of the High Committees of the National Elections Commission were sworn in and have since commenced their work. As at 1 July, 22 experts and 40 administrative and technical support staff at the Commission in Khartoum were in place. An additional seven experts are being identified, including a gender adviser, training expert and High Committee focal points. At the State level, 24 of 25 returning officers are in place and, at the Southern Sudan level, the returning officer is in place.

13. In May, the National Elections Commission created two committees — one policy and one technical — to help to coordinate international assistance and address issues of mutual concern. The Policy Committee is co-chaired by the Commission and my Special Representative for the Sudan, and focuses on electoral issues of a political nature, while the Technical Committee, co-chaired by the

Commission and the UNMIS Chief Electoral Affairs Officer, addresses technical electoral issues. To date, the Policy Committee has met three times and the Technical Committee twice. In order to ensure the best possible assistance from the United Nations to the Commission, my Special Representative suggested to the Commission Chairman on 2 June that the UNMIS Chief Electoral Affairs Officer and the UNDP Senior Electoral Adviser attend the plenary meetings of the Commission. The Commission Chairman informed UNMIS on 3 June that the Commission did not see the need for their attendance at this stage.

14. To date the National Elections Commission has conducted an induction programme for members of its High Committees and returning officers, begun the process of constituency delimitation and reviewed drafts of voter registration forms with UNMIS electoral experts. UNMIS is providing technical assistance to the Commission, the Southern Sudan High Committee and 10 State committees in the south and, in accordance with the request received on 12 July, is preparing to support the 15 northern State committees.

15. Nevertheless, the Commission has not yet completed the operational plan for the conduct and organization of the elections, on the basis of which its original electoral budget of US$ 1.1 billion is to be reviewed. UNMIS, UNDP and donors have offered technical support to the Commission in preparing the budget. Moreover, the Southern Sudan High Committee and State committees are not yet fully operational and lack sufficient financing, logistics and staff.

Elections timetable

16. On 1 July the National Elections Commission released a modified timetable for elections, which foresees the start of polling on 5 April 2010 and the announcement of results on 12 April 2010. The previous timetable, announced by the Commission on 2 April 2009, foresaw polling taking place from 6 to 21 February 2010, and the announcement of the final results on 27 February. The revised timeline allows more of the electoral preparations to take place during the dry season, but some of the operational activities for voter registration will still need to be carried out during the rainy season in the south.

17. According to the modified timetable, the delimitation of geographical constituencies would commence on 10 June and the final draft of constituency boundaries would be prepared by 12 September 2009. The modified timetable further calls for registration of voters to commence on 1 November 2009 and the final list of registered voters to be published on 5 January 2010. The nomination of candidates is to commence on 6 January and the final list published by 2 February. The electoral campaign is to be conducted from 4 February to 4 April 2010. No provision is made in the timetable for the date of a possible run-off in elections for President of the Republic and President of the Government of Southern Sudan.

Census results and the allocation of National Assembly seats

18. On 21 May, the Director-General of the Central Bureau of Statistics announced the census results for northern Sudan. The results for Southern Sudan were announced on 6 June by the Chairman of the Southern Sudan Commission for Census, Statistics and Evaluation. The results showed that the 10 States of Southern Sudan have just over 21 per cent of the total population of the Sudan of 39 million.

19. According to the Chairman of the National Elections Commission, on 6 May the President of the Republic presented the census results to him and the Deputy Chairman of the Commission in the presence of the First Vice-President, Salva Kiir, and the Vice-President, Ali Osman Taha. On 14 June, in a speech to the Southern Sudan Legislative Assembly, the First Vice-President rejected the results of the census. On 17 June, the Southern Sudan Legislative Assembly rejected the determination of Southern Sudan seats in the National Assembly.

20. The census results were also rejected by the major Darfur movements and a number of political parties, as some communities were not covered and some camps of internally displaced persons boycotted the exercise.

21. In accordance with the Comprehensive Peace Agreement and the Interim National Constitution, assembly seats are to be allocated on the basis of the census results. On 15 June, the National Elections Commission announced the allocation of assembly seats; Southern Sudan received 22 per cent and northern Sudan 78 per cent. In accordance with the Comprehensive Peace Agreement, and based on the 1986 census, in the period leading up to elections, 34 per cent of the seats were allocated to Southern Sudan and 66 per cent to northern Sudan.

Constituency delimitation

22. The National Elections Commission has indicated that it began the process of delimitating constituency boundaries on 10 June and reviewed the preliminary report on draft constituency boundaries for 18 States in mid-July. The process is moving more slowly in the Southern States. The task of drawing up more than 740 State geographical constituencies is a difficult challenge for the State High Committees, many of which lack office space, communications and transportation. The Commission has recently requested international assistance to support constituency delimitation.

23. The successful delimitation of constituencies requires agreement on the use of the census results and the delimitation of the North-South border. In the absence of the latter, the National Elections Commission has indicated that it will base preliminary constituency delimitation on the border of 1 January 1956 and that, once the border is delimited, constituency delimitation will be adjusted as necessary.

Voter registration

24. Before voter registration can commence on 1 November, the National Elections Commission will need to take a decision on registration procedures, including a determination of the means and methods of registration. It will also need to undertake a number of operational preparations, including procurement and distribution of registration materials, voter education, hiring and training of registration teams, and establishment of registration sites. Electoral experts have indicated that to meet the date of 1 November, transportation of material would need to begin on 1 October and procurement of material on 1 July. They have stressed that unless the Commission develops a viable registration plan and resource requirements by 15 July, it would be unlikely that the UNDP basket fund could be used to support the process.

25. While UNMIS has offered technical expertise to the National Elections Commission to develop an operational plan for registration, to date the Commission

has not indicated a timeline for the development of the plan. Should the plan and funds be put in place, conducting this exercise in the two months allocated under the electoral timetable will be a significant challenge unless the necessary resources are provided to State-level High Committees, constituencies are delimited adequately and procurement and voter education start in earnest. Even if these steps are taken expeditiously, completion of the exercise in the two-month period will be difficult if the Commission opts for a computerized voter register system, for which procurement, installation and training requirements will be time-consuming.

26. To be eligible to vote, a potential voter must, inter alia, have a personal identification document or a certificate authenticated by the People's Committee at the locality or the native or traditional administrative authority. UNMIS has raised with the National Elections Commission its concern that some elements of the population may not be able to meet the requirements for identification documentation because of practical difficulties in obtaining such documentation. This would be of particular concern for internally displaced persons and in rural areas. To date, no policy has been developed to address this issue.

27. While the National Elections Act provides for Sudanese citizens residing abroad to vote, it does not address the voting rights of refugees who are not in possession of a passport and residency visa.

28. Another complication of the registration process is related to the registration of internally displaced persons. The electoral law requires registrants to have resided in the location they are registering in for at least three months prior to the close of registration. This will complicate voter registration, particularly in regard to the ability of internally displaced persons to register and vote in their home constituencies, as opposed to the constituency in which they are temporarily residing.

Polling preparations

29. The National Elections Commission has indicated its intention to hold the elections for all levels simultaneously. In view of the number of ballots to be cast, namely, eight ballots per voter in northern Sudan and 12 ballots for those in Southern Sudan, UNMIS estimates that the number of voters who can be accommodated per polling station will be 200 — half the standard number of 400 — requiring as many as 100,000 polling stations and implying the need to recruit and train more than half a million polling staff. While this may be achievable in the north, it will be extremely complex in Southern Sudan and in Darfur because of security and logistic constraints. The Commission has acknowledged that there may be problems in some areas and has indicated that it will address these problems as they arise.

Voter education

30. Creating broad understanding among the population of the six elections being held simultaneously will be challenging, particularly in Southern Sudan. According to the UNESCO Institute for Statistics, as of 2000, the nationwide literacy rate was 71 per cent for men and 52 per cent for women. In the south, however, the literacy rate is believed to be under 15 per cent. Moreover, voter education for registration needs to take place during the rainy season, when, in the south, about 50 per cent of households are inaccessible. In this light, and in view of the fact that the last

multiparty elections were held in 1986, significant voter education programmes will be required for the 2010 elections to assist voters in understanding the process and choices before them. The National Elections Commission has several advisers assigned to work on civic and voter education strategies. A task force on this subject was formed in February consisting of the Commission, civil society organizations, and international organizations, including UNMIS. The task force has met twice thus far. UNMIS civic and voter education advisers are now working with Commission advisers on the development of a work plan.

Enabling legislative framework

31. Political parties and civil society organizations have raised concern that there remains a requirement to amend certain laws to ensure the political rights and freedoms necessary for a free and fair electoral process, particularly in regard to the freedom of assembly, speech and the press. These laws include the Criminal Procedures Act, a Press and Publications Act, and the National Security Forces Act. While the Government has taken action to amend most of these laws, concern has been raised that remaining ambiguities in the texts could nevertheless be used to restrict a free and fair electoral environment. In order to ensure respect for basic freedoms and political rights, the Government would, therefore, need to take the necessary action to ensure that these laws concur with the provisions of the Comprehensive Peace Agreement and the Interim National Constitution and that they are implemented accordingly.

32. The Criminal Procedures Act of 1991 provided State Governors and District Commissioners with discretionary powers to regulate and ban public gatherings and rallies to prevent a breach of the peace. On 20 May 2009, the National Assembly amended the law to require Governors and Commissioners to coordinate with the prosecutor and magistrate of the competent jurisdiction in the exercise of this power. While this amendment is meant to provide the checks and balances necessary in the exercise of such powers, concern has been raised that there is no provision in the law that requires review or approval by the prosecutor or magistrate before the ban is enforced.

33. A new Press and Publications Act was adopted by the National Assembly on 8 June 2009 and is awaiting signature by the President. The Act includes provisions that restrict the media's ability to report if deemed necessary to protect national security and public order or if such reporting is seen to be provocative or exaggerating when presenting news of a crime or civil violations. Concern has been raised that further definition should be given to these terms in order to ensure that they are not misused in censoring the press.

34. Since 2006, the parties have been preparing a new National Security Forces Act in accordance with the Comprehensive Peace Agreement. The main contentious issue remains the scope of the authority of the National Intelligence and Security Service. Concern has been raised that this Act be adopted before the holding of elections, as stipulated in the Comprehensive Peace Agreement timeline.

Elections monitoring and observation

35. In accordance with the National Elections Act, the Chairman of the National Elections Commission has invited local, regional and international observers to observe the entire electoral process and has indicated that the Commission will,

within its realm of authority, guarantee their freedom of movement and personal security. As one of its first acts, the Commission invited the Carter Center to observe the electoral process. The coordination of electoral observers to facilitate widespread coverage of the country will be required. It should be noted, however, that logistic and security challenges may limit the presence of observers in some areas.

Views expressed by national stakeholders

36. The parties to the Comprehensive Peace Agreement have publicly reiterated their commitment to the holding of elections as stipulated under the Agreement. Members of SPLM have nevertheless expressed concern over the legislative framework, the results of the 2008 census and their impact on its representation in the National Assembly, and the impact of the unresolved North-South border delimitation on constituency delimitation.

37. Representatives of opposition political parties and civil society based in Khartoum and Juba have also expressed their commitment to the elections and the calendar issued by the National Elections Commission, but have stressed that their participation would be contingent upon the guarantee of basic political freedoms and freedom of movement required to ensure a free and fair election.

38. In Darfur, opposition parties and civil society actors have called on the Government to ensure the freedom of movement, assembly, association and speech required to ensure a free and fair process. Leaders of the internally displaced have expressed the view that peace, security, compensation, and the return of internally displaced persons should come before the holding of elections. They have also expressed the fear that voter registration of internally displaced persons in camps would be tantamount to relinquishing their lands.

39. In regard to the main Darfur rebel movements, the Sudan Liberation Movement/Minni Minawi (SLM/MM) has shown interest in participating in the elections and has applied for recognition as a political party. SLM/MM also indicated to UNAMID that the disarmament and integration of its troops, one of the conditions for registration, had begun. The signatories to the Declaration of Commitment to the Darfur Peace Agreement have also indicated a willingness to register as political parties and take part in the elections.

40. All non-signatory movements, including JEM, SLA/A (Abdul Wahid), SLM/A (Unity) and the United Revolutionary Front, have objected to the holding of elections before the comprehensive settlement of the conflict in Darfur and the return of internally displaced persons to their homes.

III. United Nations and other international assistance support for the elections

41. The United Nations needs assessment mission met members of the donor community and international electoral experts who underlined their commitment to working with the National Elections Commission in addressing the operational challenges ahead.

UNMIS/UNAMID

42. In accordance with its mandate, and as requested by the National Elections Commission, UNMIS is leading United Nations electoral assistance efforts. These efforts are focused on the provision of advisory and technical support to the Commission. Further to its mandate and as requested by the Commission, UNMIS has also taken a leadership role with the Commission in ensuring the coherence of international donor assistance.

43. UNMIS has an authorized strength of 141 electoral staff under the 2009-2010 budget, of which nearly 100 are already deployed in Khartoum (UNMIS headquarters), Juba (Regional Office), the 10 State capitals of Southern Sudan, and El Fasher (Darfur). Within these capabilities, UNMIS is providing technical advice to the Commission and assistance in operational coordination. UNMIS is also establishing a basic technical advisory capability, currently limited to the 10 States of Southern Sudan within current staffing levels, in order to:

(a) Assist and advise the National Elections Commission and State High Committees with the development of operational and logistical plans and procedures for constituency delimitation, voter registration, candidate nominations, complaints and appeals processes and polling, counting and results tabulation.

(b) Assist the State High Committees in developing and disseminating training manuals and voter education materials and in monitoring training and voter education activities.

(c) Support State High Committees in public outreach and liaison with political parties and other stakeholders at the local level.

(d) Support the Commission in disseminating the final constituency boundaries and other key election information.

(e) Support the Political Parties Affairs Council in disseminating election information.

44. To date, UNMIS has prepared detailed databases of logistic, civil society, and media information that will be handed over to the High Committees. However, as the High Committees are newly established and in many cases offices are not yet operational, detailed discussions on public outreach, training and civic education have not yet occurred. UNMIS has submitted a draft concept of operations on voter registration for the consideration of the National Elections Commission and is helping the Commission to finalize its operational plan for voter registration. The Mission is also advising the Commission on procedural issues related to registration and has drafted voter registration forms for its consideration.

45. As requested by the Commission, UNMIS is reviewing its support to the High Committees in the 15 northern States. In order to provide the same assistance in the north as that provided in the south, UNMIS would require an additional 127 personnel (79 United Nations Volunteers and 48 general temporary assistance posts). Seven of these posts will also be used to help the parties to commence planning for the referendum. Communications, transportation and facilities required for these personnel would also be covered by UNMIS. Issues related to UNMIS operating in some cases outside its designated area of operations, as well as any outstanding issues relating to compliance with minimum operating residential

security standards, would need to be addressed before the deployment of these personnel.

46. In addition to the above, the National Elections Commission has requested that UNMIS provide logistic support for registration and polling. On the basis of current operational plans, it is estimated that 16 additional aircraft and some 2,457 additional air hours would be required for these tasks.

47. As elections are a national process, UNMIS plays a lead role in supporting the National Elections Commission in organizing and conducting the elections, including through the deployment of UNMIS personnel throughout the country, as requested. In this regard, UNAMID has and will continue to play a supporting role to UNMIS in assisting the electoral process, as necessary in, inter alia, the provision of logistic support, police training, public information and outreach, subject to the availability of existing resources.

United Nations Development Programme

48. Within the framework of the integrated mission, UNDP complements the role of UNMIS in providing technical assistance to the National Elections Commission, and plays a lead role — with UNMIS support — in areas related to capacity-building and institutional development. UNDP support is provided through the UNDP Support to Elections and Democratic Processes Project, and is funded by donor contributions (a "basket" managed by UNDP).

49. Two UNDP project offices have been established to manage activities of the project. Once fully staffed, the Khartoum office will have a total of 16 staff. In Juba there will be a total of 13 staff. The UNDP project provides support to the electoral authorities and other stakeholders (the Political Parties Affairs Council, civil society, the judiciary, domestic observation groups, media) until the end of 2012 in the following areas:

- Media development
- Domestic observation
- Civic and voter education
- Support to the National Elections Commission, the Southern Sudan High Committee and State-level High Committees for the establishment of offices, procurement, training and capacity development
- Political parties development and training (including support to the Political Parties Affairs Council)
- Elections-related police training (with UNMIS and UNAMID)
- Women's participation (with the United Nations Development Fund for Women (UNIFEM)) and support to political parties
- Training of judges and prosecutors with regard to their role in the elections in close coordination with the UNMIS rule of law office
- Running of the project management team, and monitoring and evaluation of the project.

50. The National Elections Commission has made a request to UNDP for support in all areas of the electoral process, but, as noted above, has not provided a detailed plan on the implementation of the main electoral operations, namely, registration, exhibition of voter rolls, and civic education/voter education. Hence, the initial UNDP budget for support to the Commission reflects the main areas to be supported, but provides only a rough indication of the actual funds that will be required. Moreover, costs of polling have not yet been included in the budget.

51. Contributions to the UNDP basket thus far received (from the European Commission, Denmark, Italy, the Netherlands, Norway, Spain, Sweden and the United Kingdom) for the initial budget of some US$ 42.6 million until the end of 2010 amount to approximately $7 million, leaving a funding gap of $35.6 million. It is expected that the National Elections Commission will develop a budget reflecting additional requirements once it finalizes the electoral plan. Areas of particular need of support, if requested, would include voter registration, polling and elections security. On the basis of cost projections for additional requirements, UNDP has estimated that the total cost of the second phase of activities under the basket fund project could be as high as $100 million.

52. In order to speed up procurement processes related to the National Elections Commission, UNDP is evaluating the capacity of the Commission to receive funding so that it may undertake its own procurement. UNDP would deploy a finance and procurement specialist to the Commission to assist it in this process. This would speed up the process while also building the Commission's finance and procurement capacity.

53. In addition to UNMIS, UNAMID and UNDP, the International Organization for Migration, the United Nations Children's Fund, UNIFEM and the United Nations Office for Project Services have or are expected to play a role in supporting the electoral process.

Other international technical assistance

54. The United States Agency for International Development (USAID) is thus far providing the largest portfolio of assistance to the elections in the Sudan, totalling $95 million for support to the electoral process. These funds are channelled bilaterally through implementing partners, which include the International Foundation for Electoral Systems for support to the National Elections Commission; the National Democratic Institute for International Affairs for support to civic and voter education as well as domestic observation; and the International Republican Institute, for political party support, including training of political party polling agents. While the International Foundation for Electoral Systems has obtained permission to work in the north and south, the other implementing partners of USAID currently have operations only in Southern Sudan and are working with the Government on the required authorizations to expand their activities to the north, including Darfur.

55. In addition to the above, the Friedrich Ebert Stiftung is providing support to civil society organizations to provide civic and voter education and domestic observation activities in both north and south during the elections. International IDEA is also undertaking political party training in Khartoum for 22 political parties, funded by UNDP.

56. In regard to election observers, at the request of the National Elections Commission, the European Union is planning to deploy an exploratory mission to determine whether it will establish a full election observation mission. The African Union has also indicated its intention to deploy observers for either polling or a longer duration.

57. The Carter Center has had a small presence on the ground for the past year and plans to send both long-term and short-term observers to monitor the electoral process. Ten to 12 long-term observers are expected to be in the country by the beginning of voter registration and to follow the process until after the polling. The short-term observers, who would be more numerous, would be in the country for a period of approximately two weeks during the polling, but it is unclear at this point whether Carter Center observers will be deployed throughout the country, including Darfur. The Carter Center has also been awarded a contract to support domestic observation in both the north and south with support from the UNDP basket fund.

58. Other multilateral and bilateral donors are reviewing the extent of assistance they may provide to the electoral process, on the basis of the anticipated plan and budget.

Coordination of international electoral assistance

59. As noted in paragraph 13 above, National Elections Commission coordination committees, co-chaired by UNMIS, on political and technical aspects of elections have been established. The United Nations will continue to support the regular convening and work of the two committees. UNMIS continues to chair donor groups in Khartoum and Juba that were set up prior to the establishment of the Commission. UNMIS will review the need to continue convening those groups in the light of the committees set up by the Commission. In addition, UNDP has established a steering committee for the basket fund, which held its first meeting on 1 July.

IV. Security

60. Experts from UNAMID, UNMIS and the Departments of Peacekeeping Operations, Field Support and Safety and Security will prepare a threat assessment and plans for elections security. These plans will focus on area security in hot spots in coordination with host authorities, as well as security for United Nations personnel. In the meantime, UNMIS and UNAMID police are working with the national authorities in northern and Southern Sudan to prepare local police to carry out elections-related security functions.

61. The police forces of the Government of National Unity and the Government of Southern Sudan are responsible for ensuring the security of the electoral process throughout the country. The Government of the Sudan police has approved a police security plan and budget for the elections and the Government of the Sudan police, UNAMID and UNMIS have prepared training curricula for training police in northern Sudan. UNAMID and UNMIS support in this regard would be carried out under existing resources by redirecting the focus of current training programmes on elections-related security training.

62. The situation in Southern Sudan is somewhat different. While UNMIS and the Government of Southern Sudan police have developed a training curriculum, the Government of Southern Sudan has not yet approved the police plan and budget for elections security. In any case, UNMIS estimates that by focusing on a "training of trainers" approach, the Mission could provide a minimum level of training to the Southern Sudan Police Service within the mandated strength of 715 UNMIS police personnel. This could be achieved through, inter alia, filling remaining vacancies with seconded officers with relevant training experience; redeployment of police personnel currently deployed; use of modern information technology for training purposes where expedient; maximizing cooperation and synergies with UNDP and outreach to donors to identify joint projects; and deployment of police advisers from the Standing Police Capacity.

63. All efforts would be made to minimize the impact on ongoing activities by prioritizing training activities for the respective police services. However, given the logistical challenges and the needs for basic training in Southern Sudan, some ongoing training activities would have to be significantly scaled down and/or suspended for a prolonged period. UNMIS estimates that providing the requested elections security training in Southern Sudan without significantly cutting down on other activities would require 100 additional trainers with the necessary expertise, deployed for a minimum period of six months.

64. In this connection, it should be noted that the strength of the Southern Sudan Police Service stands at around 28,000 officers, according to latest registration and the payroll, of which number only 4,700 have been trained in basic policing. On the basis of an estimated 10,000 polling centres in the south, with at least two Southern Sudan police service officers deployed at each centre, 20,000 officers would be deployed on polling day. None of the Southern Sudan police service officers have been trained in electoral security training and the vast majority lack basic police training. To overcome this gap within a very limited period, UNMIS police, with the available additional 100 trainers, will focus on training 500 Southern Sudan police service trainers in electoral security; for this purpose, six United Nations police trainers will be deployed at each of a total of 16 team sites in the south to conduct a two-week training of trainers course. The 500 trainers would then train up to 400 Southern Sudan police service officers at each team site, with oversight and support provided by UNMIS.

V. Observations and recommendations

65. The Government of National Unity and the National Assembly have taken important steps towards the holding of national elections, including the adoption of the National Elections Act, the establishment of the National Elections Commission, the appointment of State and Southern Sudan-level High Committees, the establishment of the Political Parties Affairs Council, and the registration of political parties. The parties to the Comprehensive Peace Agreement, a number of political parties and civil society actors have expressed their commitment to the holding of elections as stipulated under the Comprehensive Peace Agreement.

66. While I congratulate and support the commitment of the parties to the Comprehensive Peace Agreement to the holding of elections, I am concerned that a number of basic steps have yet to be taken. The most important requirement at this

juncture is that the Government of National Unity, the National Assembly and the Government of Southern Sudan take the steps necessary to provide a free and fair electoral environment. They must guarantee basic political freedoms, including the freedom of assembly, speech and the press, as provided for under the Comprehensive Peace Agreement and the Interim National Constitution. Concrete steps and outreach in this regard would help to strengthen popular confidence in the process.

67. The Government of National Unity and the Darfur movements must address the concerns of the internally displaced persons in Darfur. Concrete steps need to be taken towards a comprehensive peace agreement. These include a cessation of hostilities, and progress towards compensation, land rights and redressing marginalization issues. This would help to create an appropriate environment for the forthcoming elections. Should large segments of the population in Darfur be prevented from participating in elections by the refusal to agree to a cessation of hostilities, technical constraints related to registration, or voluntary or involuntary boycotts of the process, progress towards political stability would be impeded. Accordingly, I urge the Government of National Unity and the Darfur movements to openly discuss these issues and make concrete progress towards a comprehensive peace. The Darfur movements have an obligation to use the opportunity of national elections to pursue their political demands through the ballot box and lay down their arms.

68. I am concerned that elections preparations remain seriously behind schedule and I urge the parties to take the necessary steps to resolve outstanding issues, including differences with regard to the use of the census results. Otherwise, the electoral process could be stalled with negative consequences for the implementation of the Comprehensive Peace Agreement.

69. Education of voters helps to create a free and fair process by deterring spoilers and mistakes at the polling booths. The National Elections Commission has far to go in fulfilling this requirement. Civic education in general helps to create broad understanding and participation in the peace process. I have therefore directed UNMIS and UNAMID to use their public information resources to the extent possible and in cooperation with local actors to help to build understanding and participation, with a particular focus on outreach at the grass-roots level.

70. It is essential that the National Elections Commission take the steps necessary to ensure an inclusive process by addressing the constraints relating to the registration of internally displaced persons, refugees and those without the necessary papers. The Commission must also engage more effectively with donors and technical experts in order to ensure that the operational aspects of the process are carried out in a timely manner. In this regard, the Commission must finalize immediately the elections operational plan and review its initial US$ 1.1 billion budget accordingly so that donors can prepare to support the elections. Unless this requirement is met soon, donors will not be in a position to secure the necessary funding and procure the material necessary to support the process.

71. In view of the above, I would foresee a two-phase approach to the provision of further operational support for the elections. The first phase will build on UNMIS support to the National Elections Commission and the 10 Southern Sudan High Committees by extending similar technical support to the 15 northern States, as outlined in paragraph 45 above. The Departments of Peacekeeping Operations and

Field Support are taking steps towards the immediate deployment of these 127 personnel within UNMIS current resources provided under the Mission's 2009-2010 budget. At the same time, UNAMID and UNMIS police will commence training of local police in elections security within their current capabilities.

72. The second phase of UNMIS support would consist of transportation of material, as timelines and resources allow. I would also recommend under this phase, for the consideration of the Security Council and pending the concurrence of the Government of National Unity, an increase in the authorized police strength of UNMIS from 715 to 815 in order to address sufficiently the elections-related training requirements, primarily in Southern Sudan. The second phase of logistic and police training support would be contingent on the Government of National Unity and the National Elections Commission taking a number of steps, including (a) creating an enabling environment for the exercise of political rights; (b) adopting a viable operational plan and budget for registration and the full electoral process; and (c) addressing registration concerns related to proper documentation to avoid disenfranchisement of certain groups.

73. The financial implications associated with additional support for elections under phase 1 and phase 2 of UNMIS support for elections in the Sudan will be absorbed to the extent possible within the Mission's 2009-2010 budget and will be reflected in the forthcoming financial implications of the present report.

74. Numerous donors and non-governmental organizations are providing electoral assistance to the Sudanese authorities. This is particularly true in the south. UNMIS has taken a leadership role in assisting the National Elections Commission to ensure the coherence of international support and avoid overlap, further to its general coordination mandate under Security Council resolution 1590 (2005) and at the specific request of the Commission. However, under resolution 1870 (2009), the Security Council mandated UNMIS to play a complementary role to that of the international community. This has created some confusion as to the role of UNMIS for some donors. My Special Representative will continue to monitor the situation closely. Should the situation require, I may in the future request the Security Council to further clarify the Mission's lead in supporting the National Elections Commission to facilitate the coherence of international community support to the electoral process.

75. As the elections process proceeds, the parties have started discussions on key issues related to the referendum to be held in 2011 in Southern Sudan and Abyei. I remind them that the referendum is not a date, but a process. No matter the outcome, north and south Sudan must begin without delay to discuss the measures necessary to ensure peaceful coexistence. To this end, I intend to deploy to UNMIS a number of referendum experts who can work with the parties, as requested, in addressing the numerous challenges related to the referendum process.

76. The elections to be held in April 2010 in the Sudan can provide an important opportunity to strengthen national reconciliation and democratic transformation. As experience has shown elsewhere, elections can also be divisive. In this regard, I am deeply concerned about the ongoing tensions and violence, particularly in Darfur, areas of Southern Sudan and the Three Areas. If left unaddressed, elections could further raise tensions in these areas. I thus call on the Government of National Unity, the Government of Southern Sudan and local actors to ensure that sufficient

contingency measures and outreach are undertaken early among their respective constituencies to ease tensions ahead of elections and deter potential spoilers.

77. Solving the political and operational challenges of these elections will require greater political will to compromise and reach agreement than the parties to the Comprehensive Peace Agreement and the Darfur movements have shown recently. Scepticism on the part of local actors that they will deliver is therefore not surprising. Nevertheless, these elections could begin a process of national healing and reconciliation and political transformation that can only strengthen the Comprehensive Peace Agreement and Darfur peace processes and the rightful importance of the Sudan in the community of nations. I strongly urge them not to lose this opportunity.

United Nations S/2009/392

Security Council

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29 July 2009

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Reaffirming all its previous resolutions and presidential statements concerning the situation in Sudan,

Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of Sudan and its determination to work with the Government of Sudan, in full respect of its sovereignty, to assist in tackling the various challenges in Sudan,

Recalling also its previous resolutions 1674 (2006) on the protection of civilians in armed conflict, which reaffirms, inter alia, the relevant provisions of the United Nations World Summit outcome document, 1612 (2005) on children in armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000) and 1820 (2008) on women, peace and security,

Taking note of the report on Children in Armed Conflict in Sudan dated 10 February 2009 (S/2009/84), including his recommendations, and the report on Children in Armed Conflict in the Sudan (S/2007/520) dated 29 August 2007, and recalling the conclusions endorsed by the Security Council Working Group on Children in Armed Conflict in Sudan (S/AC.51/2008/7),

Welcoming the important role of the African Union,

Welcoming the report of the Secretary-General of 14 July (S/2009/357) on the African Union-United Nations Hybrid Operation in Darfur (UNAMID),

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Expressing concern, two years after the adoption of resolution 1769 (2007), at the continued seriousness of the security situation and deterioration of the humanitarian situation in Darfur, and at the recurring attacks on the civilian population, *reiterating* its condemnation of all violations of human rights and international humanitarian law in Darfur, *calling* on all parties to comply with their obligations under international humanitarian and human rights law, *emphasizing* the need to bring to justice the perpetrators of such crimes and *urging* the Government of Sudan to comply with its obligations in this respect,

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Reaffirming its concern over the negative affect of the ongoing violence in Darfur on the stability of Sudan as a whole as well as the region, *noting with concern* the negative effect of ongoing tensions between the Governments of Sudan and Chad, *reiterating* that a reduction in these tensions and rebel activity in both countries must be addressed to achieve long-term peace in Darfur and in the region, and *encouraging* Sudan and Chad to engage constructively with the Dakar Contact Group and the international community,

Expressing its strong commitment and determination to promote and support the political process in Darfur, and the efforts of the Chief Mediator, and *deploring* the fact that some groups continue to refuse to join the political process,

Determining that the situation in Sudan constitutes a threat to international peace and security,

1. *Decides* to extend the mandate of UNAMID as set out in resolution 1769 (2007) for a further 12 months to 31 July 2010;

2. *Underlines* the need for UNAMID to make full use of its mandate and capabilities, particularly with regard to (a) the protection of civilians across Darfur, and (b) ensuring safe, timely and unhindered humanitarian access, the safety and security of humanitarian personnel and the protection of humanitarian convoys;

3. *Commends* the contribution of troop- and police-contributing countries and donors to UNAMID; *calls* on United Nations Member States to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required; *underlines* the need for capable battalions effectively able to carry out UNAMID's mandated tasks; in this regard *requests* the continuing assistance of donors in ensuring battalions are suitably trained and equipped; and *further requests* UNAMID to examine how it could maximize the use of its capabilities in Darfur;

4. *Welcomes* the improvement in the Government of Sudan's cooperation with UNAMID, *commends* the credible work of the Tripartite Commission, *calls on* all parties in Darfur to remove all obstacles to the full and expeditious deployment of UNAMID and the proper discharge of its mandate, including by ensuring its security and freedom of movement; and in this regard *calls on* the Government of Sudan to comply with the Status of Forces Agreement fully and without delay, particularly the timely provision of visas for UNAMID personnel and of flight and equipment clearances;

5. *Reiterates* its condemnation of previous attacks on UNAMID by armed groups; *underlines* that any attack or threat on UNAMID is unacceptable; *demands* that there be no recurrence of such attacks; and *stresses* the need to enhance the safety and security of UNAMID personnel;

6. *Stresses* the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured; and in this regard *requests* the Secretary-General, following consultations with the African Union, to:

(a) submit, for the Council's consideration, a strategic workplan containing benchmarks to measure and track progress being made by UNAMID in implementing its mandate,

(b) include in his next report an assessment of progress made against these benchmarks, as well as consequent recommendations regarding UNAMID's mandate and configuration, and

(c) report to the Council every 90 days thereafter on progress made towards implementing UNAMID's mandate across Darfur, as well as on progress on the political process, on the security and humanitarian situation and on all parties compliance with their international obligations;

7. *Demands* that all parties to the conflict in Darfur immediately end violence, attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under human rights and international humanitarian law; *calls* for an immediate cessation of hostilities and for all parties to commit themselves to a sustained and permanent ceasefire; *requests* the Secretary-General to consult with relevant parties with a view to developing a more effective ceasefire monitoring mechanism; and *underlines* the need for UNAMID to report on major instances of violence which undermines the parties' full and constructive efforts towards peace;

8. *Reiterates* there can be no military solution to the conflict in Darfur and that an inclusive political settlement and the successful deployment of UNAMID are essential to re-establishing peace; *reaffirms* its full support for the African Union/United Nations led political process for Darfur and the work of Joint Chief Mediator Mr. Djibrill Yipènè Bassolé; *demands* that all parties to the conflict, including all rebel groups, immediately engage fully and constructively in the peace process without preconditions, including by entering into talks under the mediation of Mr. Bassolé with a view to finalizing a Framework Agreement; *welcomes* the work of Qatar and Libya in this regard and the support of other countries in the region; *calls* on UNAMID to support the Joint Chief Mediator and the Joint Mediation Team; and *underlines* the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders in order to create a conducive environment for peace and security through constructive and open dialogue;

9. *Calls* on Sudan and Chad to abide by their obligations under the Doha Agreement of 3 May 2009, the Dakar Agreement of 13 March 2008, and previous bilateral agreements; and *reaffirms* the need for both countries to engage constructively with the Dakar Contact Group with a view to normalizing relations, ceasing support for armed groups, strengthening actions to combat armed trafficking in the region, the establishment of effective joint border monitoring, and cooperating through diplomatic means to establish peace and stability in Darfur and the wider region;

10. *Notes* that conflict in one area of Sudan affects other areas of Sudan and the wider region; and *urges* UNAMID to coordinate closely with other United Nations missions in the region, including the United Nations Mission in Sudan (UNMIS) and the United Nations Mission in the Central African Republic and Chad (MINURCAT);

11. *Requests* UNAMID, consistent with its current capabilities and mandate, to assist and complement UNMIS efforts in preparing for credible national elections through the provision of advice and assistance where required;

12. *Expresses* its serious concern at the continued deterioration of the humanitarian situation in Darfur, *calls* for the full implementation of the Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur; and *demands* that the Government of Sudan, all militias, armed groups and all other stakeholders ensure the full, safe and unhindered access of humanitarian organizations and relief personnel and the delivery of humanitarian assistance to populations in need;

13. *Demands* that all parties to the conflict in Darfur create the conditions conducive to allowing the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;

14. *Demands* that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and *requests* the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID and to include information on this in his reporting to the Council;

15. *Requests* the Secretary-General to ensure (a) continued monitoring and reporting, as part of the reports referred to in paragraph 6 above, of the situation of children and (b) continued dialogue with the parties to the conflict towards the preparation of time bound action plans to end the recruitment and use of child soldiers and other violations of international humanitarian law against children;

16. *Decides* to remain seized of the matter.

United Nations S/2009/393

Security Council

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30 July 2009

Original: English

Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008)

I. Introduction

1. In paragraph 6 of resolution 1830 (2008), adopted on 7 August 2008, the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the fourth submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2009/284), dated 2 June 2009, with a focus on the steps taken to implement resolution 1830 (2008). It provides an update on the activities of my Special Representative for Iraq, as well as operational and security matters.

II. Activities of the United Nations Assistance Mission for Iraq

A. Political and constitutional activities

3. A central aspect of the UNAMI mandate is its involvement in advancing national reconciliation. When my former Special Representative, Staffan de Mistura, first arrived in Iraq he made a policy choice to directly address fundamental issues central for promoting political dialogue in Iraq, including the disputed internal boundaries. After 18 months of research and outreach in the disputed areas, on 10 June UNAMI launched the High-level Task Force to advance dialogue between senior representatives of the Government of Iraq and the Kurdistan Regional Government on the UNAMI reports on disputed internal boundaries. Despite the issues at stake, the complex history and the difficult legacy endured, both sides have displayed willingness to work with each other and the United Nations. The Task Force has now met on several occasions in Baghdad under United Nations auspices.

4. While this dialogue in Baghdad is encouraging, it has not been helped by events on the ground. This is especially the case in Ninawa Governorate, where several Kurdish mayors have boycotted the elected provincial government since April and where a stand-off occurred between the provincial Governor and peshmerga soldiers at a checkpoint outside Mosul in May. In addition, the leadership of the Kurdistan Regional Government has made unhelpful statements,

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especially regarding the future of Kirkuk Governorate, during the course of the recent Kurdish election campaign.

5. On 24 June, the Iraqi Kurdistan Parliament adopted, by 96 votes out of 97 present, a draft regional constitution which contains assertive provisions. In particular, one clause states that the Iraqi Kurdistan region includes all the disputed areas — apparently laying claim unilaterally to districts that are located outside the recognized Kurdistan region (including in the Governorates of Ninawa, Kirkuk and Diyala) and which are the subject of talks of the High-level Task Force. This vote was followed by an effort to hold the referendum on the regional constitution on 25 July, the same day as the parliamentary and presidential elections for the Kurdistan Regional Government. For technical reasons, the Board of Commissioners of Independent High Electoral Commission, supported by the Electoral Assistance Team of UNAMI, advised that there was insufficient time to hold a referendum within such an abbreviated time frame. As a result, the referendum has been postponed, which provides the opportunity for the new Iraqi Kurdistan Parliament to make amendments to the draft constitution.

6. Despite the aforementioned areas of concern, I welcome the fact that the leadership of the Kurdistan Regional Government has compromised on the export of oil from a field in the Kurdistan region, and hope it will lead to additional steps that could permit agreement to adopt the much-needed hydrocarbon law. It is also a positive development that Iraqi Government and Kurdish forces are participating in joint security force liaison centres in numerous governorates.

7. UNAMI continued its support to the article 23 committee related to Kirkuk. After providing technical and logistical support, and sponsoring a study tour to Northern Ireland, UNAMI concluded its own reports on Kirkuk based on the work of specialized experts on property violations, power-sharing and demographics/voter registry in the governorate. These reports are being made available to the members of the Committee and the Speaker of the Council of Representatives. Despite an extension to its mandate, the Committee was unable to reach agreement and each component submitted a separate set of reports to the Speaker of the Council of Representatives. The Committee has ceased to meet and the Speaker is in the process of reconciling the various reports of the components with a view to drafting a special law on the Kirkuk election with UNAMI technical involvement that will be submitted to the Council of Representatives for consideration.

8. As part of its ongoing efforts to advance the constitutional review process through policy discussions on the federal system for Iraq, UNAMI and the Iraqi Council of Representatives conducted a high-level conference on the theme "The Future of Iraq" in Baghdad on 14 and 15 June. This legislative round table, which was a follow-up to a round table in Arbil in April, focused on hydrocarbon revenue-sharing and water resource management. Participants recognized that hydrocarbon legislation was being held up because of disagreement between Baghdad and Arbil on definitive allocations of revenue to the Kurdistan Regional Government and for the financing of national infrastructure projects. Participants underlined the need to harmonize the draft revenue-sharing legislation with related drafts governing the Iraqi National Oil Company, the production of oil and gas, and the restructuring of the Ministry of Oil. UNAMI has since presented options through the Constitutional Review Committee for a resolution of the hydrocarbon issue at the constitutional

level, either in the form of an amendment to article 115 of the Iraq Constitution (paramountcy clause) or through an intergovernmental institution.

9. There was more ground for consensus in the water-sharing discussions given the shared interest among all Iraqis in securing greater access to transboundary water flows from the Islamic Republic of Iran, the Syrian Arab Republic and Turkey, especially during this prolonged period of water shortage in Iraq. Participants agreed on the need to establish a new coordinating body for water resources in order to develop a national water strategy with both internal and regional dimensions. They requested UNAMI to present options to the Constitutional Review Committee, which it has since done.

10. The facilitation of regional cooperation remained a priority for UNAMI. In assisting with the mandate of the High-level Coordinator for the repatriation or return of missing Kuwait and third-country nationals or their remains, UNAMI and the United Nations Office for Project Services (UNOPS) are prepared for the training of an exhumations team to complement the capacity of the Ministry of Human Rights, as part of efforts to advance the work of identification of remains of Kuwaiti missing persons. The Ministry of Human Rights is expected to designate an expert committee that will undertake mapping and identifying of sites before such training can commence. On the ground support has also been provided to the Iraq-Kuwait Boundary Maintenance Project, established in accordance with Security Council resolution 833 (1993) and led by the Department of Peacekeeping Operations.

B. Electoral assistance activities

11. Preparations for the Kurdistan regional parliamentary and presidential elections on 25 July and national elections scheduled for January 2010 were successfully completed by the Independent High Electoral Commission with support from UNAMI. This effort included the completion of a voter registration exercise in the Kurdistan region and the conduct of elections, as well as preparation for a nationwide voter registration exercise to commence on 15 August.

12. The voter registration update for Iraqi Kurdistan, monitored by over 5,563 Iraqi observers and political party representatives, was deemed successful and for the first time the Electoral Commission managed the entire process, including the data entry of changes and amendments to the voter list. Over 512,000 voters visited the Commission's voter registration sites, producing more than 183,000 forms requesting adjustments and data entry in Baghdad. Candidate nomination for the Kurdistan presidential and parliamentary elections followed suit. The Electoral Commission received five nominations for the office of President and 24 political entities nominated 507 candidates for the parliamentary race. The procurement of materials, logistical planning and cascade training for polling staff were also conducted without incident.

13. On 25 July, the people of the Kurdistan region turned out in large numbers to exercise their right to elect new regional representatives and the President of the region. The vote was held in an orderly environment that was notably free of violence. As at the time of the writing of this report, results had yet to be released pending the resolution of all complaints and appeals and I urge full cooperation with the Electoral Commission in this regard.

14. UNAMI continues to work with the Electoral Commission to ensure that the parliamentary election of January 2010 can be delivered on time with the acceptance and support of the Iraqi people. It is imperative for the overall credibility of the process that the reliability of the voter list is enhanced through a nationwide update exercise planned for August. Similarly, the Electoral Commission requires government funding for election activities. UNAMI is concerned that, without an election law that is adopted or amended by the Council of Representatives in a timely manner, or the release of a needed election budget and continued support for the Electoral Commission's administrative and operational tasks, the timeline and quality of future election activities may be affected.

15. In the context of maintaining the integrity of the planned series of complex electoral events, the Electoral Commission examined during the reporting period the technical feasibility of (a) a referendum on a draft Iraqi Kurdistan regional constitution concurrent with the presidential and parliamentary elections; (b) a nationwide referendum on the United States-Iraq bilateral security agreement at the same time as the Iraqi Kurdistan parliamentary and presidential elections; and (c) a separate voter registration update for the Kirkuk national elections. The three technical feasibility studies prepared by UNAMI were delivered to the Chairman of the Electoral Commission and to the Speaker of Parliament.

16. Four comprehensive lessons-learned exercises (facilitated by UNAMI jointly with the United Nations Development Programme (UNDP), UNOPS and the International Foundation for Electoral Systems) covering various operational and technical areas have been conducted for the Electoral Commission to analyse and develop strategies for the numerous upcoming electoral activities in 2009 and early 2010. The most recent exercise, early in July, hosted by the Election Commission of India, focused on security planning and coordination, taking security lessons from the recent Iraqi governorate and Indian general elections.

C. Humanitarian assistance, reconstruction and development

17. Over recent weeks, the Government of Iraq accelerated several promising initiatives to create a sustained platform for socio-economic development, through a harmonized relationship with its international partners. In this respect, I welcome Iraq's decision to embark on a comprehensive five-year National Development Plan 2010-2014, the first step of which was launched formally in June in the presence of all United Nations funds, programmes and agencies in the United Nations country team. The Plan, developed under the leadership of the Iraqi Ministry of Planning, will give new impetus not only to the internal advancement of Iraq but also to its international normalization and progress in global development partnerships under the International Compact with Iraq.

18. Efforts to redefine the future direction of the Compact and tailor it more strategically to Iraq's emerging context moved forward. The Baghdad Coordination Group at its meeting on 26 May, co-chaired by the Deputy Prime Minister, Barham Saleh, and my Special Adviser on the Iraq Compact, Ibrahim Gambari, agreed to review progress at a ministerial conference on the Compact in Baghdad, anticipated in the latter part of 2009. Since then, the Government has undertaken to work with international partners to define specific benchmarks to be achieved. The two working groups, a governmental one led by the Minister of Finance, and a donor

group including the United Nations and the World Bank established to guide this process, met jointly on 9 July and 22 July. The efforts of UNAMI, donors and Iraqi partners on the ground in Baghdad have been followed up by consultations of my Special Adviser with the Prime Minister, Nuri al-Maliki, the Foreign Minister, Hoshyar Zebari, and the Minister of Finance, Bayan Jabr, to confirm agreement on the identification of key priorities for implementation; the reorientation of a refocused International Compact with Iraq for the remaining years; and a revisiting of the Compact's mechanisms to improve the effectiveness of its implementation and monitoring. I welcome these efforts towards a strengthened partnership that underpins the implementation of the National Development Plan in the coming years and encourage the Government to ensure that these processes continue to remain inclusive.

19. In addition, the Government, through the Ministry of Planning, has launched a commendable effort to reform and revise the country's internal aid management processes. To date, the Iraqi Strategic Review Board has been the primary mechanism for aid management in Iraq; however, it is in urgent need of updating to accommodate the broader strategic vision for development and aid partnerships now in the planning phase. The United Nations has been requested to support this process, through a donor support group led by the Ambassador of Denmark working closely with the Ministry of Planning. I warmly thank those donors who continue to provide both substantive and financial support to Iraq's development and aid harmonization efforts under the International Compact with Iraq — notably Australia, Canada, Denmark, Japan, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the European Commission.

20. These efforts are designed to strengthen the framework for Iraq's international cooperation on development following the closure of the International Reconstruction Fund Facility for Iraq to new contributions as from 30 June 2009. The Facility's Executive Committee, co-chaired by the Minister of Planning and the Government of Denmark, convened on 18 May to follow up on the Naples outcomes from February. Key decisions included (a) the conduct of a full-scale lessons-learned exercise by the United Nations, with donor and Government cooperation, with a view to applying findings to other countries and Iraq's future aid harmonization strategies; and (b) continued efforts among the Government, donors and the United Nations to together establish post-Reconstruction Fund Facility mechanisms for aid harmonization, in particular as it relates to the ongoing strategic and operational coordination of programming.

21. The United Nations Development Assistance Framework 2011-2014 will be the primary tool to ensure that the United Nations system can adapt effectively to the evolving needs of Iraq both structurally and substantively. As a first step towards establishing the Framework, the common country assessment was launched on 22 June in Baghdad at the largest joint Government-United Nations event to be held in Iraq since 2003. More than 100 Iraqis from ministries, parliament, civil society, the private sector and academia participated, as did all 16 specialized agencies, funds and programmes. Subsequently, the current United Nations assistance strategy for Iraq underwent a midterm review to realign it with the Government's emerging priorities. It was also decided that the United Nations country team will focus on supporting the Government's efforts by merging its own extensive situation analysis into the national planning process.

22. The United Nations Development Assistance Framework, and therefore future UNAMI assistance to Iraq, will be based on two key programmes, the Private Sector Development programme and the Public Sector Modernization programme, which will be increasingly critical to the socio-economic future of Iraq and its public-private sector balance, despite the recent rally in oil prices. Both are essential for allowing Iraq to balance its budget, reform its public administration for better service delivery, spur job creation to tackle the country's high youth unemployment, and create in Iraq a more favourable climate for international investment. The Private Sector Development programme is currently being implemented through seven United Nations agencies, funds and programmes. Meanwhile, the Public Sector Modernization programme is due to be presented to the Iraqi Strategic Review Board.

23. The ongoing humanitarian programming of the United Nations and our partners is expected to underpin these major, upstream policy initiatives by providing immediate relief to Iraq's poor and vulnerable. The humanitarian situation in Iraq remains precarious, mainly because of insecurity and the difficulties of accessing those most in need. At the mid-year review of the 2009 consolidated appeals process for Iraq, the Office for the Coordination of Humanitarian Affairs reported that the strategic priorities continue to reflect current developments in the country, especially given the enduring pockets of acute vulnerability for not just the internally displaced Iraqis, but also many deprived communities that continue to lack adequate access to basic social services and protection assistance. Civilians continue to be disproportionately affected by the ongoing violence, and the issue of protection remains a serious concern, particularly for women, children and some minority groups.

24. The total combined requirements of the 2009 consolidated appeals process for Iraq and the region now stand at $650 million, which includes over $341 million designated to assist the estimated 1.7 million Iraqis who have sought refuge in the neighbouring countries and beyond. The requirements for pillar 1 of the 2009 appeals process — which addresses the needs of vulnerable Iraqis inside the country — have increased by over a third to $308 million, with an emphasis on projects to strengthen national efforts to facilitate the return of Iraqi refugees and internally displaced persons and to support early recovery processes. Indeed, the pace of returns has been lower than anticipated, and the situation in many parts of the country has not yet reached a stage that would permit large-scale voluntary and sustainable returns to Iraq. Those funds for pillar 1 were critical in making possible a rapid humanitarian response to crises such as the recent mass-casualty bombing in Taza, Kirkuk, which killed up to 85 people, wounded more than 170 and left 600 homeless. United Nations agencies, as well as non-governmental organizations, the Red Cross/Red Crescent Movement and other actors were on the ground within hours of the attack to provide food, non-food items and medical assistance. Nevertheless, some sectors in the appeals process, including education and health, have received very limited funds against the requirements. I thank donors, including Norway, Saudi Arabia, Sweden, the United Kingdom, the United States and ECHO, who have contributed generously to date, and I wish to encourage all donors to continue to pledge their support to the consolidated appeals process.

25. UNAMI continued to collaborate closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) in supporting the Iraqi authorities with the return of refugees and internally displaced persons. Six community return

centres were established by UNHCR in Baghdad with plans underfoot to expand to a further 10 locations. UNHCR also assisted the rehabilitation of conflict-affected homes, and continued to expand its presence in terms of national and international staff. There are however continuing concerns over insufficient levels of material support to the displaced, returnees and other vulnerable communities, while the recent surge in violence, particularly against minorities, has led to a continuation of Iraqis leaving the country as well as some internal displacement. During a visit to Iraq in mid-July the Deputy United Nations High Commissioner for Refugees, L. Craig Johnstone, commended the Government of Iraq for implementing a compensation package for returnees and internally displaced families. He stressed, however, that much more needs to be done as there will not be a solution to the Iraqi situation as a whole until the plight of displaced people and Iraqi refugees has been resolved.

26. To strengthen national and local disaster risk reduction capacity and humanitarian response to both natural and man-made disasters, UNAMI, the Office for the Coordination of Humanitarian Affairs and the UNDP Bureau for Crisis Prevention and Recovery are working together on the development of a disaster prevention and response programme with the Government of Iraq. In consultation with United Nations agencies, non-governmental organizations and other stakeholders, this initiative will include recommendations on a Disaster Management Centre and National Plan. I also welcome the launch in July by the Office for the Coordination of Humanitarian Affairs of the Iraq Field Coordination network of governorate-based focal points, which aims to coordinate humanitarian responses and gather information on humanitarian data more comprehensively than has been possible up to now, and I welcome its complementarity within the existing field structure headed by UNAMI Governorate Liaison Officers.

27. Tackling the effects of the drought in Iraq, which the Food and Agriculture Organization of the United Nations (FAO) estimates will lead to a 35 per cent reduction in wheat production and probably exacerbate current poverty levels, remains a priority, and the United Nations has continued efforts to mitigate the social and economic consequences. FAO conducted construction and maintenance of 120 micro-irrigation schemes and UNOPS rehabilitated the water distribution systems in Arbil Governorate, improving water quality for 30,000 inhabitants. UNICEF also facilitated a regional conference on drought, bringing together United Nations agencies and the Ministries of Agriculture and Water Resources of the Kurdistan region.

28. Preparations for the Iraq Population and Housing Census continued. The United Nations Population Fund (UNFPA) supported Iraq in conducting a pilot census in selected governorates and established an Iraq Census High-level International Technical Advisory Board, which met early in July to discuss quality assurance issues. Discussions are ongoing as to the feasibility of conducting the census before the end of the year. In support of the Government's efforts to empower Iraqi women at home and in the workplace, UNDP hosted a workshop with the Government on strategies to counter community-based violence against women. UNICEF and UNESCO trained Education Ministry staff to prepare a full-scale analysis of the country's education sector, providing the framework for the National Education Strategy. The World Food Programme (WFP) organized a mission by Government officials to Egypt, with the aim of developing long-term solutions for food security in Iraq.

29. UNDP and UNICEF jointly launched a report on 1 July reviewing progress made in mine action since the entry into force of the Ottawa Landmine Convention in 2008. The agencies remain concerned that, despite the resumption of some mine demarcation and mine risk education activities, the ban on civilian mine clearance imposed by the Ministry of Defence remains in place, and the likelihood of achieving the Ottawa goals is limited. A high-level international mission to Iraq by the United Nations Mine Action Team in May also cited similar concerns, holding discussions with the Ministries of both Defence and the Environment. Resumption of civilian de-mining activities is essential to limit ongoing mine-related humanitarian and economic costs, and I urge the parties involved to work with the United Nations in order to facilitate discussions on ways forward.

30. Initiatives on governance, the rule of law and anti-corruption moved forward in the reporting period. In May, UNDP conducted a workshop in Istanbul for all Iraqi female judges that focused inter alia on international fair trial standards and the use of the Iraqi Legal Database. In collaboration with COSIT (Central Organization for Statistics and Information Technology), UNDP and the United Nations Office on Drugs and Crime are carrying out a comprehensive integrity survey that will end in October 2009 to establish a baseline for corruption at four ministries in four governorates, to more effectively design countermeasures for a national anti-corruption strategy. UNOPS organized a round table with civil society and government officials on the draft Iraqi law on non-governmental organizations, to agree on a series of recommendations to align the draft with international best practices. UNDP also finalized the identification and strategic planning of two model courts in Baghdad and Basrah, to add to the one in Arbil previously reported on (S/2008/284, para. 37).

D. Human rights activities

31. During the reporting period, UNAMI continued to provide assistance to the Government and civil society organizations in preparation for the universal periodic review of the Iraq report under the auspices of the Human Rights Council, scheduled for February 2010. With support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNOPS, the Iraqi inter-ministerial committee on the universal periodic review attended a training on the requirements under the review and observed review sessions at the Human Rights Council in Geneva from 8 to 11 June. UNAMI is also organizing training for 25 Iraqi civil society organizations on elements of human rights monitoring and reporting as well as the universal periodic review and the role of civil society organizations under that process.

32. UNAMI continues to work together with the United Nations country team on improving the capacity of Iraqi Government and State institutions and civil society organizations in support of legislative reform in conformity with international legal norms, as well as to enhance domestic protection and monitoring capabilities where human rights violations are concerned. Initiatives and partnerships under way include activities implemented in conjunction with UNDP to provide technical advice on the curricula of the Judicial Training Institute and the reform of the penitentiary system. UNAMI is supporting a project of the United Nations Office on Drugs and Crime to review current Iraqi anti-terrorism legislation in the context of international human rights standards, while advocating for the ratification of the

conventions on terrorism and the amendment of the current anti-terrorism law. UNAMI is further supporting UNICEF and UNFPA in the area of juvenile justice, including advocacy for legislative reform, the reduction of the length of pretrial detention, and community-level initiatives for the development of the capacities of key officials in the juvenile justice system. In addition, UNAMI is working with UNOPS and UNESCO to support media professionals, human rights defenders and academics suffering from the consequences of violence and threats inside Iraq.

33. Continuous efforts are being made by UNAMI to encourage the implementation of article 102 of the Constitution of Iraq, which provides for the establishment of a high commission for human rights that was delayed by the absence of a Parliamentary Speaker. Line ministries are now considering the appointment of members of a committee in charge of the selection process of the commissioners. In support of the Iraqi efforts, UNAMI prepared a detailed plan for the recruitment of the commissioners, which is being considered by the Human Rights Committee of the Council of Representatives. In view of the fact that the Iraqi budget for the financial year 2009-2010 omitted to provide funding for the commission, UNAMI continues to urge the Council of Representatives and the Government of Iraq to rectify that during the upcoming midterm budget review.

34. Concerns persist regarding the treatment of detainees, and protests continued during the reporting period against lengthy pretrial detentions, the abuse of detainees, and corruption in the law enforcement system. The relevant Iraqi authorities have responded to these concerns with further promises to investigate and improve the situation. During the month of June, a number of detainees' hunger strikes were recorded in many detention facilities throughout the country. In one case, a hunger strike by some 300 detainees affiliated with the Sadrist movement was reported in the Rusafa detention centre in eastern Baghdad, prompting members of the Council of Representatives Human Rights Committee and the Baghdad Operations Command to inspect the facilities. The Minister of the Interior announced on 16 June that 43 Rusafa-based policemen would be prosecuted for human rights violations, while calls to improve the detention system were made by the High Judicial Council when it convened on 16 June.

35. In an encouraging development, UNAMI attended a meeting with a representative of the Deputy Prime Minister and representatives of the Ministries of Justice, the Interior, Defence and Human Rights, where the deterioration of the law enforcement system and constructive recommendations in that regard were openly discussed. There have been discussions on the issue of the transfer of detainees held by the Ministry of Defence to facilities managed by the Ministry of Justice. This is a long-standing UNAMI recommendation, and representatives of the Ministry of Defence have recently acknowledged that the detention of civilians does not fall within its jurisdiction.

36. UNAMI remains concerned by the ongoing executions by hanging of the death row inmates, as well as the lack of available information on the executions and the death penalties. There are currently at least 1,000 people on death row in Iraq, 150 of whom are reported to have exhausted all avenues of appeal. More than 100 execution orders have already been signed by the Iraqi Presidency Council. There have been 31 executions during the reporting period despite the calls by UNAMI, OHCHR and other international organizations to the Government of Iraq to institute a moratorium on the death penalty while undertaking an investigation

into all allegations of abuse of authority in detention, reviewing the criminal legislation and procedures in the light of international standards and Iraq's obligations under international law. UNAMI and OHCHR remain concerned that, at present, the Iraqi justice system does not have the capacity to guarantee fair trial procedures in accordance with, inter alia, article 14 of the International Covenant on Civil and Political Rights, to which Iraq is a party.

E. Operational, logistic and security issues

37. UNAMI mission support continued to advance a number of projects designed to enhance the capacity of UNAMI and the United Nations country team to deliver United Nations activities in an integrated manner. In Baghdad, the construction of additional office space and the refurbishment of existing facilities is nearing completion and once finished will provide office space to allow the World Bank to co-locate with United Nations counterparts and provide additional living accommodation for the United Nations Guard Unit. UNHCR, with funding from the Government of Sweden and technical support from UNAMI, has commenced construction of additional office space at the UNAMI headquarters site that will provide UNHCR, as well as UNICEF and the World Health Organization, with improved office facilities. A second similar project was agreed between WFP and UNAMI and the construction will commence shortly.

38. UNAMI continues efforts to increase self-sufficiency in the area of air mobility, including through the acquisition of helicopters. As part of that effort, UNAMI is also expanding the support facilities at Baghdad International Airport with the construction of two helipads and the expansion of office and accommodation facilities accordingly.

39. In continuation of the implementation phase of the bilateral security agreement, the United States military redeployed from urban areas on 30 June 2009, a day marked as a national holiday, Iraqi Sovereignty Day, leaving the Iraqi security forces with overall domestic security responsibilities. Though there has not been a significant increase in insurgent activity overall, Al-Qaida and other extremist elements conducted a series of high-profile mass casualty attacks across the country during the transition period. There was a series of car bomb attacks across Baghdad, including an attack on 24 June that killed 62 civilians and injured 150 others in Sadr City and several similar attacks around Kirkuk and Mosul. Those attacks are indicative of continued efforts by the extremist elements not only to test the capability of the Iraqi security forces but to undermine public confidence in the Government to enact its sovereign role in protecting its citizens.

40. In Baghdad, the targeting of political figures continued, including the assassination, on 12 June, of Harith al-Ubaidi, the parliamentary leader of the largest Sunni political bloc. Early in July, the apparent orchestration of a series of attacks on Christian churches using explosive devices was reported in Baghdad and Mosul; that left at least four people dead and dozens wounded, including children. The attacks prompted fears of a re-emerging trend of renewed intimidation and harassment attacks aimed at terrorizing vulnerable groups and preventing the peaceful coexistence of different religious groups.

41. Incident levels remained high in northern Iraq as armed opposition groups continued attempts to exploit tensions especially within the disputed territories. Attacks resulted in mass casualty events inside Mosul and in the rural areas of Ninawa Province. Significant violent incidents included a coordinated suicide bomb attack on 8 July that killed at least 38 people and injured 66 others in Tal Afar, north-west of Mosul. Tension remains high between the Iraqi security forces and Kurdish peshmerga in areas outside of Mosul. Despite ongoing security operations in and around Kirkuk, insurgents conducted mass casualty attacks, including a car bomb incident in Taza on 20 June in which 85 people were killed near a mosque, and a car bomb attack on 30 June that killed 41 civilians and injured 120 others, sparking concerns that extremists were seeking to ignite conflict between local groups.

42. Overall, the Iraqi security forces continue to sustain security gains achieved in Al Anbar region despite the regular targeting of the forces and Awakening Council leaders in and around the Ramadi-Fallujah corridor. In Diyala insurgents followed a similar pattern of daily assaults on "Sons of Iraq" units in Baqubah and surrounding rural areas.

43. Incident levels remained relatively low across southern Iraq, as the security forces, through interdiction operations, continued to discover weapons and ammunition caches in areas of Kut, Nasiriyah and Amarah. However, these have not stopped rocket and mortar attacks on multinational force locations across the region. A multiple car bomb attack killed 35 Iraqi civilians in Al Ba'tha, west of Nasiriyah, in Dhi Qar Province.

44. Overall, the evolving nature of the security environment poses significant challenges in safeguarding United Nations personnel and assets in Iraq. Given the increasing demand on the United Nations to step up its current level of activities across the country, developing and maintaining a balanced and robust security apparatus capable of supporting and sustaining the United Nations engagement will by default require considerable resources. To achieve this balance, the UNAMI Security Section will continue to work with the specialized agencies, the funds and programmes, and with the Departments of Safety and Security and Field Support to provide necessary resources and protective measures to ensure the safety and security of staff.

45. The United Nations ability to conduct operations in this complex environment has been greatly assisted by the continued provision of military advisers and United Nations guards by Member States. Their role in liaising with Iraqi and multinational forces, particularly in the light of the ongoing security transition to Iraqi control and accompanying drawdown of the multinational forces, has been invaluable in maintaining the tempo of United Nations activities across Iraq. Furthermore, at the invitation of my Special Representative, the military advisers office will continue to support the Government of Iraq's aspiration to ultimately become a troop-contributor to future United Nations missions. I thank the Governments of Australia, Denmark, Fiji, Jordan, Nepal, New Zealand, the United Kingdom and the United States for their contributions.

III. Observations

46. Iraq is once again entering a crucial period highlighted by its increased responsibility for the security of the country and important national elections planned for January 2010. While an increase in violence was anticipated during the redeployment of the United States military from cities on 30 June, a relative calm was achieved and the Iraq security forces have succeeded in assuming security responsibilities in critical parts of the country. I am hopeful that this is a trend that bodes well for the future of Iraq.

47. It is also encouraging that with a series of electoral events anticipated in the year ahead and extensive preparations being carried out in the lead-up to the national election, Iraqi national institutions — especially the Electoral Commission — have demonstrably developed their own expertise in implementing election activities. Most recently elections were conducted successfully in the Iraqi Kurdistan region without incident. Nevertheless, as we move closer to the parliamentary elections, the challenge will be to maintain the transparency and independence of the Electoral Commission while establishing a strong platform from which to ensure that there is acceptance of the election results. The national voter registration exercise will be a critical element in the successful implementation of the January parliamentary elections as well as possible district and sub-district elections later in 2010. I encourage the Government of Iraq to continue its support to the Electoral Commission and to ensure that funds are mobilized in a timely fashion to allow appropriate and credible preparations.

48. Now is the time for political leaders to demonstrate statesmanship, rising beyond their differences and narrow interests, and prove to the Iraqi people that sovereignty comes with responsibility and accountability in visible progress towards a return to normalcy in the daily lives of Iraqis and the functioning of a viable State. I urge the Iraqi Council of Representatives, in the spirit of national reconciliation and as a sign of political progress in the country, to proceed with the adoption of an inclusive electoral law without delay so as not to jeopardize the delivery of these constitutionally mandated elections for the entire country. Progress in adopting other vital laws, such as hydrocarbon legislation, would also be a very positive step and one that could lead to a significant increase in Iraq's oil production.

49. I am concerned about the relationship between the Federal Government in Baghdad and the leadership of the Iraqi Kurdistan region. By extension, tensions have also arisen between Kurdish security forces and non-Kurdish communities in areas outside the Kurdistan region. In past decades the Kurdish people of Iraq have endured brutal campaigns of persecution that have resulted in a determination to ensure that there must never be a repeat of such suffering. It is the special responsibility of all elected representatives, political parties and leaders to work towards reducing tensions and political differences and strive to reach political agreements, as a means of ensuring lasting peace and security in the country at large.

50. In the light of the recent adoption of the draft Kurdistan regional constitution, which lays claim to areas currently under discussion in the High-level Task Force that is meeting under United Nations auspices, I urge the Kurdistan Regional Government and the Iraqi Kurdistan Parliament to reconsider such provisions, which could have the potential to aggravate tensions and affect ongoing discussions

on the disputed boundaries and other issues of concern to both the Kurdistan Regional Government and the Government of Iraq. It is my hope that the temptation to make unhelpful statements or carry out certain actions that upset the other side will diminish after the heightened political moment brought on by the recent regional election. I call for an end to provocative statements, including those which prejudge in any way the future of areas such as Kirkuk, and to any unilateral actions on the ground which the other side is likely to see as hostile in intent. The process for discussing disputed internal boundaries is in the early stages, but I expect and hope that the political will displayed by both sides will remain and that all parties will continue to work together to positively affect the situation on the ground and ensure that progress through dialogue continues. UNAMI, with the support of the international community, is ready to continue its efforts to further dialogue and to help the parties reach possible agreement on the various issues at stake, at the request of the Government of Iraq.

51. The Government of Iraq continues to address issues of protection of human rights and the rule of law, despite challenges to its capacity. The scheduled examination by the universal periodic review mechanism in February 2010 presents a prime opportunity to demonstrate considerable strides in setting up a robust legal framework should the Independent National Commission for Human Rights be up and running by that time. In the meantime, I continue to urge the Government of Iraq to consider formally establishing a moratorium on the death penalty, pending a thorough review of the Iraqi legislation, in accordance with General Assembly resolution 62/149. UNAMI looks forward to continuing its work in promoting the protection of human rights and judicial and legal reform in Iraq.

52. Iraq is at an important juncture in its recovery and development, and it is also potentially a time of opportunity. There is momentum across the spectrum of government to tackle some of the country's most entrenched socio-economic issues: unemployment, dilapidated infrastructure, corruption, poverty and disproportionate governance costs. As Iraq moves ahead on its most ambitious programme of reforms since 2003, I urge its leaders to ensure that the needs of all its citizens, particularly the poorest and most vulnerable, are made central to development planning. Senior Iraqi officials have stressed the need for greater international investment in Iraq and mobilization of untapped Iraqi economic and natural resources to increase the country's revenues.

53. Economic revival in Iraq must also be strategically geared towards addressing inequalities through greater investment in social services, social protections and the realization of fundamental human rights for every Iraqi man, woman and child. These aspects of Iraq's development will have to be addressed within the National Development Plan, which should guide our reflection on the revised benchmarks for the International Compact with Iraq. The high-level conference on the Compact to be held in Baghdad in the latter part of 2009 will be an important occasion for determining the future of Iraq's partnership with the international community and indicating the country's priorities for the coming year. A common vision must be developed between Iraq and the international community before that conference to ensure a productive event.

54. Over the longer term, the Government's National Development Plan, supported by the adoption of the United Nations Development Assistance Framework, will also align United Nations and Iraqi Government activities and accelerate progress towards achieving the Millennium Development Goals in all parts of the country. It will be accompanied by higher expectations that the United Nations will be present across Iraq and coordinate the delivery of assistance in an integrated framework to "deliver as one" United Nations. Iraqi progress on the National Development Plan and the Compact depends, as in many other areas, on building partnerships within government to ensure a common approach. In this regard, I welcome the inclusion of a range of government actors, including the Ministry of Planning, in the process to refine the benchmarks of the Compact. By avoiding parallel processes and ensuring the inclusion of all Iraqi stakeholders, the development and modernization agenda for Iraq has the potential to become a strong platform for unity across different government agencies and within parliament itself and I urge the leaders of Iraq to increase efforts in this direction.

55. The challenge of dwindling natural water resources, particularly in the face of the prolonged drought, is a source of deep concern to the United Nations system in Iraq. However, it has demonstrated the ability of Iraqi politicians to work together in the national interest on behalf of those affected. This sense of shared responsibility was revealed during a recent constitutional conference on natural resources which led to the proposal for the establishment of a national council for water resources to develop a national water strategy. There is also a growing and shared concern in Iraq regarding the need to secure greater access to transboundary water flows from the Islamic Republic of Iran, the Syrian Arab Republic and Turkey, and Iraqi policymakers have stressed the need for United Nations involvement in regional dialogue on the management of these flows. I commend these initiatives and encourage Iraq and its neighbours to pursue further dialogue that seeks a longer-term solution for the country's shared waterways, and hope the spirit in which it was undertaken will be transferred to other issues to aid the national reconciliation process and regional dialogue.

56. Improvements in security inside Iraq have contributed to increased returns of refugees and internally displaced people in Iraq. The provision of land and the availability of more funds for shelter and other basic needs are essential to prepare the ground for the return of Iraqi refugees and the internally displaced. While there continue to be pockets of insecurity in the country and uncertainty among some refugee populations, increased engagement by the Government of Iraq with Iraqi refugees outside Iraq, including through national reconciliation efforts, could help to pave the way for eventual voluntary return.

57. My former Special Representative, Staffan de Mistura, completed his 18-month tenure on 30 June. On 9 July I appointed Ad Melkert of the Netherlands as my new Special Representative for Iraq and Head of UNAMI. He immediately travelled to the Mission for a first round of consultations. Mr. Melkert brings a valuable combination of extensive political experience and economic and development expertise, which will be very well suited to this period of transition in Iraq. Finally, I would like to thank the UNAMI national and international staff, as well as the personnel of United Nations agencies, funds and programmes, for their tireless efforts under very challenging conditions.

58. On the occasion of the review of the Mission's mandate, this report has taken stock of current UNAMI activities related to advising, supporting and assisting the Government and people of Iraq in advancing political dialogue and national reconciliation, the holding of elections and referendums, the constitutional review, the resolution of disputed internal boundaries, and regional dialogue. In line with the current mandate, UNAMI also continues to facilitate the coordination and delivery of humanitarian assistance, the return of displaced persons where appropriate, the implementation of the International Compact with Iraq, programmes related to the delivery of essential services or economic reform and development, as well as the protection of human rights and the strengthening of the rule of law in Iraq. It is my firm belief that the United Nations, at the request of and in consultation with the Government of Iraq, can continue to play a strong and important role in the continued effort towards stability and progress in Iraq.